VI 85

CODES

OF

THE FINANCIAL DEPARTMENT:

CIVIL PENSION CODE;

CIVIL LEAVE CODE;

PAY AND ACTING ALLOWANCE CODE.

SIXTH AUTHORISED EDITION.

CORRECTED TO 20TH FEBRUARY 1884.

CALCUTTA:
OFFICE OF THE SUPERINTENDENT OF GOVERNMENT PRINTING, INDIA.
1884.

CALCUTTA:
GOVERNMENT OF INDIA CENTRAL PRINTING OFFICE,
166, DHURRUMTOLLAH STREET.

PRELIMINARY AND DEFINITIONS APPLYING TO ALL THE CODES.

PRELIMINARY.

I. No standing order not contained in these Codes should be quoted or trusted in deciding or submitting for orders any question affecting Pensions, Leave, or Acting Allowances to officers engaged in the Civil Administration. If any officer thinks that any order not embodied in these Codes ought to be revived, he should refer the question, through the proper channel, to the Government of India. Without the special authority of the Government of India no such order is valid.

DEFINITIONS.

II. In these Codes, unless there be something repugnant in the subject or context,— Interpretation clause.

ABSENTEE means an officer absent, whether on leave, under suspension, or on duty, from an appointment on which he has a lien.

ACCOUNTANT GENERAL includes "Comptroller General" and "Comptroller." When used in reference to a public servant applying for leave, or on leave, "Accountant General" means the Officer who audits the pay and allowances of such public servant.

ACTIVE SERVICE includes, besides time spent on duty in India,

[NOTE.—An officer recalled to duty before the expiry of leave in India other than Privilege leave, is treated as on duty from the date on which he starts for the station to which he is ordered.]

(*a*) Privilege leave of absence;

1. "Privilege leave" includes the corresponding leave (called "Short Leave on Private Affairs" and "Leave on Private Affairs") under the Covenanted Service Leave Rules in force before the 1st July 1868.

(*b*) Subsidiary leave of absence;

1. "Subsidiary leave" includes the corresponding leave (called "Special Leave") under the Covenanted Service Leave Rules in force before the 1st July 1868, and also Preparatory leave under the Uncovenanted Service Leave Rules.

(*c*) Time spent on the voyage to India by an officer who is recalled to duty before the expiry of

any recognised leave out of India, and (if within a year from the date on which he can be spared, the officer takes the unexpired portion of the leave from which he was recalled) the time spent on the return voyage to Europe.

(*d*) And, for purposes of pension, period of absence from India on duty of an officer deputed or detained out of India on duty.*

In the case of a Chaplain, Active Service includes also—

(*e*) time passed in India out of employ, but not on leave.

In the case of a Covenanted Civil Servant not being a Native Civil Servant, Active Service includes also—

(*f*) the interval between the date of an officer's first arrival in India, and the date on which he joins his first appointment;

1. The date of an officer's first arrival in India is held to be as follows:—

Before the 31st January 1868;—the date of his actual arrival in India.

From the 31st January 1868 to the 4th May 1869, inclusive;—the date on which he reported his arrival at the capital town of the Presidency to which he was attached; or, if he was attached to the North-Western Provinces, the Punjab, or Oudh, and had permission to enter India *viâ* Bombay, the date on which he reported his arrival at Bombay.

From the 5th May 1869;—

(I) In the case of an officer who is posted in England to Upper India, and arrives *viâ* Bombay, and who has been instructed by the Secretary of State to enquire at the Secretariat of the Government of Bombay for any orders as to his ultimate destination,

(*a*) if he receives no orders at Bombay;—the date on which he reports himself at Allahabad to the Secretary to the Government of India in the Home Department, and to the Secretary to Government of the North-Western Provinces;

(*b*) if he receives orders at Bombay;—the date on which he reports his arrival at any Station or Province to which he is attached by such orders.

(II) In the cases of any other officer;—the date on which he reports his arrival at the capital town of the Presidency or Province to which he is attached.

* In a despatch, No. 16, dated 18th January 1877, the Secretary of State declined to lay down a general Rule that the period of absence of an officer Deputed or Detained on Duty out of India shall count as service for leave as well as for pension, and wrote — "The occasions when Indian Officers are employed out of India on duty are comparatively so rare, and the circumstances of their employment vary so much, that it will be preferable to consider each case that may arise in future on its merits, and this course I shall be prepared to adopt."

^ For the purpose of calculating the amount of leave admissible under the rules of this Code commences from the date of first substantive appointment in the Civil Dept, except in the case of an officer of the Royal Engrs who was in Civil employ on the 1st Nov 1886 or elected for continuous service in India, who counts active service from the date of his election.

* Note. For the purpose of determining whether leave may be granted to such an officer, & the amount of the leave allowances, continuous service & active service include any previous service which is to be treated as such under these rules.

* Rules (1) & (2) above apply to only officers subject to Civil Rules.

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^ Substitute the following for the note under (I)—

[NOTE.—But the manner in which this period of active service reckons for furlough is regulated by proviso (ii) under section 48, Civil Leave Code.] (162) (Finance Department Order No. 3051, dated 9th June 1887.)

2. If an officer does not join his first appointment within the joining time allowed him, the interval between the end of such joining time and the date on which he actually joins is not Active Service.

(*g*) Time passed in India, out of employ, on Subsistence Allowance, but not on Furlough;

1. If a Covenanted Civil Servant, on his first arrival in India, is unable, from illness, to proceed to the seat of the Government to which he is attached or to any other station to which he is ordered to proceed direct, the Local Government in whose jurisdiction he is may, on medical certificate, grant to him a Subsistence Allowance of two hundred and fifty rupees a month for not more than two months. Time thus spent is not Active Service.

(*h*) Leave of absence within the limits of the East India Company's Charter, which counted as Service and Residence under the Covenanted Service Leave Rules in force before the 8th June 1855;

(*i*) Leave of Absence on urgent private affairs granted before the 3rd January 1863.

1. Examination leave of absence is also Active Service; provided that not more than twelve months of such leave can be so reckoned to any officer, and that leave granted under clauses (*c*) and (*d*) of Rule 1 under Section 77 of the Civil Leave Code is not reckoned as Active Service, unless the officer passes the examination for which the leave is granted.

2. One year of leave of absence on medical certificate was reckoned as "Residence" under the Covenanted Service Leave Rules in force before the 1st July 1868. This is not reckoned as Active Service.

In the case of a Native Civil Servant, ACTIVE SERVICE means Active Service in the Covenanted Civil Service, and includes also any period, not exceeding two years, spent on probation in India.

In the case of a Military Officer subject to Civil Rules, ACTIVE SERVICE ~~includes also~~—

~~(I) The time spent on duty in India between the date on which he became subject to the Military Furlough and Leave Rules of 1875, and the date on which he joined his first substantive Civil appointment:~~

~~[NOTE.—But see proviso (II) under Section 48, Civil Leave Code.]~~

~~(II) Leave granted under Rule 10 of the Military Furlough and Leave Rules of 1875:~~

~~(III) Time passed in India, out of employ, on Civil Subsistence Allowance, but not on Furlough.~~

~~1. Rule 1 under clause (*i*) above applies also to Military Officers subject to Civil Rules.~~

In the case of Engineers appointed from the Royal Indian Engineering College at Coopers' Hill who passed out of the College from the years 1878 to 1886, inclusive, Active Service includes also

the whole period from date of appointment to the service to date of joining their appointments in India, provided they fulfil the conditions in regard to date of landing in India specified in Section 68 (*a*) of the Civil Pension Code.

[NOTE.—The exception in favour of officers of these years is made in consequence of an error in the letters of appointment and in the College prospectus which affected students of these years, as ruled in Secretary of State's Despatch No. 24, dated 26th April 1883.]

APPOINTMENTS are said to be in the same "Class" when they are in the same Department, and bear the same designation, or have been declared by the Government of India to be in the same Class. Appointments in the same Class are sometimes divided into "Grades" according to pay.

[NOTE.—Appointments do not belong to the same Class or Grade unless they have been so constituted or recognised by proper authority. There are no Classes or Grades of Ministerial officers; a Ministerial officer therefore may be appointed to act for another Ministerial officer in the same Office whose pay is higher than his own, it being, however, borne in mind that Chapter IX of the Pay and Acting Allowance Code applies to Ministerial officers on Progressive pay, and that, except as provided in that Chapter, a Ministerial officer appointed to act for another whose pay is Progressive cannot draw more than the minimum pay of the office in which he acts. If the pay of two or more officers progresses from the same minimum to the same maximum, one of them whose pay happens to be, at the moment, lower cannot act for another of them whose pay is, at the moment, higher.]

AVERAGE EMOLUMENTS for the purposes of pension means the average calculated upon the last five years of service.

1. If, during the last five years of his service, an officer has been absent from duty on leave with allowances, if any, or, having been suspended, has been, under Section 99 of the Civil Pension Code, re-instated without forfeiture of service, his Emoluments, for the purpose of ascertaining the average, should be taken at what they would have been had he not been absent from duty or suspended: Provided always that his pension must not be increased on account of increase in pay not actually drawn. But if his leave is reckoned as service under Section 97, Rule 2 of the Civil Pension Code, only the allowances actually received during the leave should be taken into account.

2. If, during the last five years of his service, an officer has been absent from duty on leave without allowances (not counting for pension) or in Inferior Service, or suspended under such circumstances that the period of suspension does not count as service, the periods so passed should be disregarded in the calculation of the average, an equal period before the five years being included.

3. Excepting as provided in Rules 1 and 2, only emoluments actually received can be included in the calculation. For example, when an officer is allowed to count time retrospectively towards increase of pay, but does not receive retrospectively the intermediate periodical increments, these intermediate increments are not reckoned in the calculation.

4. In the case of Section-writers and Press-servants whose service qualifies under Section 77 of the Civil Pension Code, "Average Emoluments" means the average of the last seventy-two monthly bills exceeding ten rupees.

Insert the following under "Acting service" *after the first Note on this page:—*

"In the case of officers of the Telegraph Department appointed from the Royal Indian Engineering College at Coopers Hill from the years 1883 to 1885, both inclusive, active service includes also the whole period from date of appointment to the service to date of joining their appointments in India, provided they reach India within the period named in their letter of appointment; otherwise from date of arrival in India."—(25) (No. 2234, dated 17th July 1884.)

5. In the case of a Thoogye in British Burma, "Average Emoluments means the average of his monthly receipts as commission during the five years' actual service previous to retirement.

AVERAGE SALARY.—(I). For the purposes of Chapter V of the Civil Leave Code,

means the salary which an officer has earned during so much of his continuous Active Service as is within the three years preceding the day on which he gives up office: Provided that neither Subsidiary leave, nor any period during which an officer has been out of employ in India otherwise than as a penalty for misconduct, shall be included in Active Service for the purposes of such calculation; and provided also that the leave allowances of an Uncovenanted Officer shall in no case exceed his actual salary when he takes leave.

(II). For the purposes of Chapter VI of the Civil Leave Code,

means the average salary for a month, calculated for so much of the three years immediately preceding the day on which a Native Civil Servant gives up office as he has passed on duty, or on Privilege or Examination Leave. Average Salary in excess of Rs. 1,400 a month is not reckoned.

(III). For the purposes of Chapter X of the Civil Leave Code,

means the average salary for a month, calculated for so much of the three years immediately preceding the day on which the officer gives up office as he has passed on duty, or on Privilege leave. But whenever an officer whose appointment is not gazetted takes leave for not more than one month, or whenever such an officer's salary is less than three hundred rupees, his pay (not salary) when he gives up office is to be taken in lieu of "Average Salary." "Half Average Salary" is always subject to a maximum of Rs. 500 a month if paid in India, and £150 a quarter if paid at the Home Treasury of the Government of India. "One-quarter Average Salary" is always subject to a maximum of Rs. 400 a month if paid in India, and £120 a quarter if paid at the Home Treasury. For non-gazetted officers whose salary is not less than Rs. 300, the minimum of "Half Average Salary" is Rs. 150, and of "One-quarter Average Salary," Rs. 75 a month:

Provided always that the allowances of an officer during leave shall in no case exceed his actual salary when he takes leave.

BARRISTER means a practising Barrister of England or Ireland and a practising Member of the Faculty of Advocates of the Court of Session of Scotland. It does not include a person who, though a Barrister, has never practised the profession of Barrister.

CALENDAR MONTH.—Whenever it is necessary to calculate a period in "Calendar months," the period ends either on the day of the month corresponding with the day before the day on which it begins or, if there is no such corresponding day in that month, then on the last day of the month:

Examples.

A period of six Calendar months beginning on the—	ends on the—
28th February	27th August.
31st March or 1st April	30th September.
29th August	28th February.
30th August to 1st September	last day of February.
A period of three Calendar months beginning on the—	
29th November	28th February.
30th November or 1st December	last day of February.

[NOTE.—See Civil Leave Code, Section 13, and Section 165, Rules 13 and 15. The first day of an officer's leave is the first day on which he has not charge of his office after noon, and the last day of his leave is the last day on which he has not charge before noon.]

CLASS AND GRADE.—(*See* APPOINTMENTS.)

CONSOLIDATED PAY includes Military Pay and Allowances or Staff Corps Pay, which cannot be separately drawn.

CONTINUOUS SERVICE and CONTINUOUS ACTIVE SERVICE ~~in Chapter V of the Civil Leave Code~~ mean the Service and Active Service of an officer since his last return from Furlough or Extraordinary leave lasting more than three months; or, if he have not had such leave, since the beginning of his Active Service. No leave may be included in Continuous Service, except Privilege leave and Special leave

[NOTE.—See Civil Leave Code, Section 165, Rule 11.]

1. Examination leave may also be included, unless the officer have already had twelve months' such leave, or, in the case of leave granted under Clauses (*c*) and (*d*) of Rule 1 under Section 77 of the Civil Leave Code, unless the officer have failed to pass the examination for which the leave was granted.

COUNT.—(*See* QUALIFY.)

COVENANTED CIVIL SERVANT.—A "Covenanted Civil Servant" is a member of the Covenanted Civil Service,

Insert the following as a "note" under definition (III) of "AVERAGE SALARY":—

[NOTE.—For the purposes of the calculation of "Average Salary," Privilege leave on half pay granted under Rule 1, Section 73 of the Civil Leave Code, shall be treated as if it were on full pay.]—(175) (Financial Department Order No. 312, dated 21st January 1887.)

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Insert the following note under the definition of "AVERAGE SALARY":—

[NOTE.—If the period spent by an officer on special duty in England is allowed to count for leave, it is included in the calculation of average salary on the assumption that the officer drew full salary. Otherwise it is excluded in calculating average salary.]—(196) (Financial Department Order No. 5152, dated the 14th June 1887).

Definitions, Page VIII.

Strike out the following words in the definition of "Continuous Service" and "Continuous Active Service" on this page :—

"in Chapter V of the Civil Leave Code."—(60) (Financial Department No. 806, dated 16th February 1885).

A + is the case of a Royal Engineer who has [illegible] for calcutta service in India, [illegible] a legal [illegible] Officers under Rule XI of the Rules of 1888.

Definitions.

Substitute the following for the words "Telegraph Department" *in line 10 of the definition of* EMOLUMENTS." :—

Indian and Indo-European Telegraph Departments.—(206) (Financial Department Order No. 4233, dated the 8th August 1887.)

Definition.

Add the following at the end of clause (9) of the definition of emoluments :—

"or on transfer to Foreign Service."—(49) (No. 50, dated the 8th January 1885.)

and includes, except for the purposes of Proviso (3) under Section 16 and Chapter V of the Civil Leave Code, a Native Civil Servant.

COVENANTED CIVIL SERVICE means the Bengal, Madras, and Bombay Covenanted Civil Services of the Crown.

EMOLUMENTS for the purpose of the Civil Pension Code means the emoluments which the officer was receiving immediately before his retirement, and include: (1)—Pay; (2)—Personal allowance; (3)—Fees or commission, if they are the authorised emoluments of an appointment, and are *in addition* to Pay: in this case "Emoluments" means the average earnings for the last six months of service; (4)—Charge allowance to Signallers in the ~~Telegraph Department~~; (5)—Commission in the case of a Thoogyo, "Emoluments" in this case being held to mean the average of his monthly receipts in commission during the five years' actual service previous to retirement; (6)—Bullock Train and Punjab Military Horse Van Dâk allowances in the Post Office Department; (7)—Allowances attached to a Minor Professorship in a Medical College under the Medical Warrant of 1867; (8)—Allowances attached to a Professorship or Lecturership in a Government Institution; (9)—Acting allowances if the acting service counts under Section 74, Rule 3, Civil Pension Code: and allowances drawn by an officer appointed substantively *pro tempore* to an office which is substantively vacant and on which no officer has a lien, or to an office temporarily vacant in consequence of the absence of the permanent incumbent on leave without allowances.

1. In the case of Section-writers and Press-servants whose service qualifies under Section 77, Civil Pension Code, "Emoluments" means the average earnings of the last six months of service; but for calculating gratuity on the Superior scale, it means the average of the last six monthly bills exceeding ten rupees.

EXTRAORDINARY LEAVE means Special Furlough granted under Rule 8 of the Military Furlough and Leave Rules of 1875, Leave without allowances granted under Section 134 of the Civil Leave Code, and Leave of absence from duty granted otherwise than under the Rules of the Civil Leave Code:

Example.—Leave in extension of the three years admissible under Section 51 of the Civil Leave Code.

FOREIGN SERVICE means service under a Native State, Municipality, Port Trust, Court of Wards

or other body financially independent of the Government of India. Service which is paid from a Local Fund, under such circumstances that it does not qualify, is also Foreign service.

GENERAL REVENUES for the purposes of pension includes Provincial Revenues and the Revenues of Berar; also, the Revenues of Mysore, so far as regards service rendered in Mysore before the 1st October 1882, by civil and military officers who had a status in the service of the British Government apart from their particular employment in Mysore.

[NOTE.—The service in Mysore, of civil and military officers as above described, became "Foreign service" on the 1st October 1882.]

(a) GRADE AND CLASS.—(*See* APPOINTMENTS.)

(b) GRATUITY.—(*See* PENSION.)

LOCAL ALLOWANCE.—A "Local Allowance" is an allowance not specially declared to be "Pay" or "Salary" given to an officer in addition to pay or salary, either for duties which do not properly belong to his office, or in consideration of exceptional local circumstances, such as the unhealthiness or expensiveness of the locality or duty, or the specially arduous nature of the work. A Local Allowance is paid in full to the officer actually present on duty, and is not taken into account in calculating leave allowances or pension. (*But see Section 14 and Rule 5 under Section 76, Civil Leave Code.*)

LOCAL FUND.—When revenue derived from special sources is devoted to special objects, and not to the general purposes of the Administration, whether Imperial or Provincial, the revenue so devoted forms a "Local Fund." An "Incorporated Local Fund" is a Local Fund the receipts of, and disbursements from, which are incorporated in the Public Accounts. An "Excluded Local Fund" is a Local Fund the receipts of, and disbursements from, which are not incorporated in the Public Accounts.

Definition.

Add the following to the definition of "General Revenues" *below the note :—*

" General Revenues also includes the Revenues of Mysore so far as regards service rendered before the 1st October 1882 by officers who, having no status in the service of the British Government, apart from their particular employment in Mysore, were employed in Mysore when under British administration, and transferred to British service proper before that date."—(52) (No. 201, dated the 14th January 1885.)

Definitions.

Add the following definition :—

LIEN ON APPOINTMENT.—When an officer is said to have a lien on an appointment, it is meant that the right of such an officer to resume on return to duty a substantive or an acting appointment on which he has a lien is subject to the same condition of conformity with the interest of the public service as the tenure of the appointment is.—(217.) (Finance Department No. 5945, dated 4th November 1887.)

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Definitions.

For the words "Commissary General, Bengal," *in lines 19 and 20 of the definition of Local Government, substitute* "Commissaries General, Eastern and Western Circles, Bengal."—(118) (Finance Department Order No. 3664, dated the 23rd October 1885.)

The following are the Excluded Local Funds:—

Municipal, Cantonment, Port, Town, and Station Funds. Educational, Dispensary, Hospital, and all other Trust or Endowment Funds. Police Remount Funds. The Persian Famine Relief Fund; the Pooree Pilgrims' Fund; the Barea Tribute Fund; the Bombay Cotton Improvement Fund; the Indus Conservancy and Registration Fund; and any other Funds which may be especially classed by the Governor General in Council among the "Excluded Local Funds."

LOCAL GOVERNMENT.—Except for the purposes of Section 27 of the Pay and Acting Allowance Code, "Local Government" includes a Chief Commissioner (including the Chief Commissioner of the Andaman and Nicobar Islands, excepting in the case of officers appointed directly by the Government of India), the Resident at Hyderábád, the Resident in Mysore, the Agents to the Governor General in Rájputáná and Central India; and, as regards officers under their orders, excepting officers appointed directly by the Government of India, the Director General of the Post Office of India, the Surveyor General of India, the Commissioner of Northern India Salt-revenue, the Inspector General of Ordnance, Bengal, the Commissary General, Bengal, the Director General of Telegraphs, the Director-in-Chief, Indo-European Telegraphs, the Inspector General of Military Works, and the Director General of Railways. The Director of the Indian Marine; the Inspectors General of Ordnance, Madras and Bombay; and the Commissaries General, Madras and Bombay, exercise the powers of a Local Government under the Civil Pension Code, in respect to all their subordinates, who are not appointed directly by the Government. The Director of the Indian Marine also exercises the powers of a Local Government for the purposes of Section 41 of the Pay and Acting Allowance Code in respect to officers in the Indian Marine.

Eastern & Western Circles

The Government of India exercises in each Department in respect to officers serving under it, and not under any Local Government, the power of a Local Government under Rules 2, 3 and 4 of Section 106, cases (*c*) and (*d*) of Section 107, Rules 1 and 4 of Section 110, and Sections 132, 133, and 134 of the Civil Pension Code, and under the Rules in the Civil Leave and Pay and Acting Allowance Codes.

MILITARY OFFICERS.—"A Military Officer subject to Civil Rules" means a Military Commissioned Officer in permanent civil employ (not being a Warrant Officer) who is not subject to the Military Furlough Rules of 1854 or 1868. All Military Officers in civil employ who entered the Staff Corps or the Indian Medical Service after the 31st December 1875 are "subject to Civil Rules."

"A Military Officer subject to Military Rules" means a Military Commissioned Officer in permanent civil employ (not being a Warrant Officer) who is subject to the Military Furlough Rules of 1854 or 1868, or a Warrant Officer. Such an officer is not included in "an Officer" in the Civil Leave Code. All Military Officers who were in civil employ on the 30th December 1875, and have been since continuously in such employ, are "subject to Military Rules," excepting any who may have elected the Rules of 1875, before the 7th December 1877.

"All Military Officers" means both Military Officers subject to Civil Rules, and Military Officers subject to Military Rules.

[NOTES. (1).—A Military Officer in the Military Secretariat of the Government of India, Madras, or Bombay is not "in civil employ."

(2).—A Military Officer who has officiated in the Civil Department continuously for not less than three years is considered to be in permanent civil employ.]

MINISTERIAL OFFICER means an officer, whether his appointment to the service is gazetted or not,

Definitions.

(a) *Add at the end of the second paragraph of the definitions of Local Government at the top of page XII of the definitions :—*

The powers of the Home Department of the Government of India under this clause in respect of officers employed in the Forest Survey Branch, the Imperial Working Plans Branch, and the Forest School at Dehra Dun, have been delegated to the Inspector General of Forests.—(66) (Finance Department No. 1495, dated 20th March 1885).

Note: The Govt. of India is the only Dept. Government a Local Govt. also under Sec. 135 of the Civil Procedure Code.

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(b) *In the definition of* MILITARY OFFICERS *add the following after the words* 31st December 1875 *in lines 9 and 10 :—*

or were subject, previous to their entering civil employ, to the Leave Rules promulgated by Army Circular dated 30th April 1886, and Royal Engineers in the Public Works Department (excluding the Military Works Branch) and the Survey Department who have elected for continuous service in India.—(193) (Finance Department Order No. 3054, dated 9th June 1887)

Definitions.

*Insert the following as Note (3) under the definition of "*MILITARY OFFICERS*" :—*

(3).—A Military Officer does not come under the Civil Rules by reason of his being transferred to an appointment in the Civil Department of which the tenure is limited to a definite period.—(207) (Financial Department Order No 4293, dated the 10th August 1887.)

whose duties are not of an administrative or executive character, but who is employed as a member of an office establishment:

Examples.—A Registrar, an Accountant or a Clerk is a Ministerial officer. A Tahsildar, a Police Inspector or Constable, or a Teacher in a school is not a Ministerial officer.

NATIVE CIVIL SERVANT.—"A Native Civil Servant" is a Native of India appointed to an office in the Covenanted Civil Service in accordance with the Rules framed under Section 6, Act 33, Vic., Cap. 3.

NATIVE OF INDIA means any person born and domiciled within the dominions of Her Majesty in India, or within the territories of Indian Princes tributary to, or in alliance with, Her Majesty, of parents habitually resident in India, and not established there for temporary purposes only.

OFFICER.—In the Civil Leave Code, "an officer" means an officer of any class to whom leave of absence from duty may be granted under the Rules of that Code, and does not therefore include "a Military Officer subject to Military Rules."

PAY AND SALARY.—"Pay" means "Monthly Substantive Pay," and includes, for the purpose of calculating pension, the pay and emoluments which the officer was receiving immediately before his retirement. For the purposes of Chapter V of the Civil Leave Code, "Pay" includes also the Subsistence Allowance of a Covenanted Civil Servant, or a Military Officer subject to Civil Rules who has an officiating, but not a substantive, appointment.* In the case of Section-writers and Press-servants whose service qualifies under Section 77, Civil Pension Code, it means the average earnings of the last six months of service. "Salary" means the sum of pay

* But see Note (2) under the Definition of "MILITARY OFFICERS," page xii.

and acting allowance or charge allowance under Sections 8 and 41 of the Pay and Acting Allowance Code.

1. Personal Allowance is treated, for the purposes of the Civil Leave and Pension Codes, as part of an officer's substantive pay.

2. If an officer whose whole time is retained for the public service is appointed to hold conjointly with any other Government office a Minor Professorship under the Medical Warrant of April 1867, or a Professorship or Lecturership in any Government institution, the allowances received by him in such appointment are part of his salary.

3. "Salary" does not include House-rent, Tentage, or Travelling Allowances whether daily, monthly or yearly; nor does it include Local Allowance.

PENSION.—Except when the term "Pension" is used in contradistinction to Gratuity, "Pension" includes Gratuity.

PENSIONABLE OFFICE AND PENSIONABLE SERVICE.—Service is said to be "Pensionable" when it qualifies: and an office is said to be "Pensionable" when service therein counts.

PROGRESSIVE APPOINTMENT means an appointment the pay of which is progressive.

PROGRESSIVE PAY is pay which, subject to the good behaviour of an officer, rises, by periodical increments, from a minimum to a maximum.

[NOTE.—For brevity's sake, a Progressive pay is described by three groups of figures, namely, the minimum, the increment, and the maximum. *Example.*—A pay of Rs. 100-20-200 means a pay rising from Rs. 100 by a yearly increment of Rs. 20 to Rs. 200.]

QUALIFY.—"Qualify" and "Count" mean qualify and count for pension or leave of absence.

RULE OF PROPORTIONS.—When pension or leave allowances are said to be chargeable to several accounts according to the "Rule of Proportions," the meaning is that the charge should be debited to such several accounts in the proportions in which, in the case of pension, the aggregate pay drawn by the officer during the whole of his qualifying service has been paid from them; or in the case of leave allowances, the aggregate salary drawn by the officer during the portion of his service immediately preceding the beginning of his leave which is taken into account in calculating the leave granted to him was charged to such several accounts.

Definitions.

The following is the service to be thus taken into account in respect of leave alllowances :—

Leave under the Rules in Chapter V, Civil Leave Code.

Nature of leave.	Sections.	Period of service to be taken in account.
Furlough on medical certificate	50 to 53	The whole continuous service.
Furlough without medical certificate including extensions .	50 & 51	The whole continuous Active service.
Special leave	61	Active service for six years.
Subsidiary leave . . .	64	As for the leave to which it is subsidiary.
Privilege leave . . .	74 to 76	Duty without interruption for a period eleven times as long as the Privilege leave.

Leave under Appendix C. 1 of the Civil Leave Code.

	Rule.	
Furlough without medical certificate—		
First two years . . .	IX	Actual service in India for eight years.
The rest	*ib.*	Actual service in India for six years.

Leave under Appendix C. 2, Civil Leave Code.

Furlough without medical certificate	1	Proportion of service in India or under the Government of India taken into calculation in the grant of furlough.

Leave under the Rules in Chapters VI and X, Civil Leave Code.

	Sections.	
Leave on Private Affairs . . .	83 (*a*) & 130	Service for six years.
Furlough—		
First year . . .	83 (*b*) & 132	Service for ten years.
The rest . . .	*ib.*	Service for eight years.

In unenumerated cases the whole service in India is counted.

(a) Salary.—(*See* Pay and Salary.)

Service for the purposes of Chapter VI of the Civil Leave Code means all qualifying service, whether rendered in the Covenanted Civil Service or otherwise, and includes periods spent on leave with allowances.

Staff Salary is an allowance to a Military Officer in addition to the Military Pay and Allowance or the Staff Corps Pay of his rank.

[Note.—The following allowances are not treated as staff salary :—Command allowance of hill convalescent depôts, of depôts of British troops, of all stations and forts (Asseerghur excepted) not being brigade commands ; and the salaries of Staff Officers of stations and convalescent depôts and of Superintendents of Bazars.]

UNCOVENANTED MEDICAL OFFICER is a Medical Officer not being a Commissioned Medical Officer, or an Assistant Surgeon, or a member of the Subordinate Medical Department as constituted under G. G. O. in the Military Department No. 550, dated 5th June 1868, or a member of the Subordinate Medical Service as constituted under the Resolution in the Home Department, No. 16, dated 9th January 1878.

UNCOVENANTED OFFICER.—An "Uncovenanted Officer" is a public servant not belonging to the Covenanted Civil Service, the Native Civil Service, or the Army.

WARRANT OFFICER.—"A Warrant Officer" includes every Warrant Officer, to whichever Military Furlough Rules he may be subject, and whether he hold an Honorary or Veteran Commission or not.

THE CIVIL PENSION CODE.

FIRST EDITION—Published, 10th January 1872.
SECOND EDITION— „ 1st December 1873.
THIRD EDITION— „ 1st December 1876.
FOURTH EDITION— „ 25th April 1879.
FIFTH EDITION— „ 6th April 1881.
SIXTH EDITION— „ 20th February 1884.

FORT WILLIAM,

DEPARTMENT OF FINANCE AND COMMERCE,

The 20th February 1884.

The Sixth Authorised Edition of the CIVIL PENSION CODE is now published. From this date the Fifth Edition will be superseded, and should no longer be quoted. Corrections and additions notified hereafter should be entered in their proper places.

2. As before, orders which apply to particular individuals named in them are not included in the Code, and will remain in force apart from it.

D. M. BARBOUR,

Secretary to the Government of India.

THE CIVIL PENSION CODE.

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THE CIVIL PENSION CODE.

CHAPTER I.

EXTENT OF APPLICATION.

Commencement

1. The Rules in this Code apply to all public officers, as follows, excepting officers and men in the Army or Navy (including ~~Covenanted~~ Medical Officers),* and officers of the Military Branch of the Subordinate Medical Department. The Rules relating to Foreign service contained in Chapter III apply, however, to the officers thus excepted: Application of the Code.

(*a*).—Judges of the High Courts of Judicature (Chapter IV).
(*b*).—Covenanted Civil Servants, including Native Civil Servants (Chapters V & VI).
(*c*).—Chaplains (Chapter VII).
(*d*).—Members of the Bengal Covenanted Pilot Service and their families (Chapter VIII).
(*e*).—Uncovenanted Officers (Chapter IX).

CHAPTER II.

GENERAL RULES.

2. The Government reserves to itself the right of changing the Rules in the Code from time to time, at its discretion, and of interpreting their meaning. An officer's claim to pension is governed by the Rules in force at the time when he resigns or is discharged from the service of Government: he is not entitled to concessions withdrawn before, or made after, his resignation or Right of making or interpreting rules.

* Chapter IX applies to all officers employed under the Military Department whose service is not pensionable under Military Rules.

discharge.* The general purport of this Rule is inserted by the Secretary of State in all Covenants for Service in India to which he is a party, which contains a promise of pension under the Uncovenanted Service Pension Rules.

Absent on leave.

3. An officer may be admitted to pension while absent on leave, whether in or out of India.

No account of broken periods.

4. Fractions of a year are not to be taken into account in calculating any pension admissible to an officer under any Rule in this Code.

Barrister.

5. A Covenanted Civil Servant is not entitled to any special privileges by reason of his being a Barrister, and an Uncovenanted Officer is not entitled to any special privileges by reason of his being a Barrister, unless, on his first admission to the Service, he is appointed to some office in which the Local Government, with the sanction of the Government of India, has declared it to be necessary to employ a Barrister.

Famine duty.

6. A period not exceeding one year of pensionable service is added to the service of any specially deserving officer who, during employment on Famine duty in Madras in 1877-78, received no extra allowance for such duty, and whose total salary during such duty did not exceed Rs. 600.

Leave taken for ill health due to service in Afghanistan to count as service to a certain extent.

7. An officer who was employed under the Military Department in Afghanistan, and who was obliged to take furlough or leave in or out of India in consequence of illness contracted on service, is entitled to reckon as pensionable service the period of his furlough, to the extent of his employment under the Military Department, but not exceeding a maximum of one year: Provided always that no application for this concession shall be entertained unless the sickness was such as to render the absence of the officer on medical certificate immediately necessary.

* "You remark that you are unable to admit any obligations on the part of the Government of India to compensate those officers for the indirect and remote effects of any administrative measures which it has been considered necessary to adopt in the interests of the State generally, and that it would be extremely inconvenient, if not wholly impracticable, in carrying out every change, to consider every possible effect, however remote, which such change might have on the prospects of every officer in the Service.

"I concur in the sentiment expressed by your Government in this matter. All administrative reforms would be rendered impossible if the Government were fettered by considerations such as those above referred to."—(*Secretary of State, No. 10, dated 7th October 1880.*)

(b) (Page 5.)

Insert the following "Note" under clause (2) of this Section:—

[NOTE.—The Local Government may, by a general ~~or special~~ order, delegate its powers under this section, in the case of transfers for special temporary duty not lasting more than six months, to any officer not below the rank of Political Agent.]—(117) (Finance Department Order No. 3466, dated the 14th October 1885.)

(a)

Section 8.

Add the following to proviso (3) of this Section:—

"The consent of the Government of India in the Foreign Department is also required to any increase to the salary of an officer already transferred, which has the effect of raising the officer's net salary above Rs. 250 a month."—(51) (No. 185, dated the 14th January 1885.) (d)

Add the following as a Note to clause 3 of this Section:—

[NOTE.—"When an appointment of a permanent or semi-permanent character under clause (3) of this section has been sanctioned under proper authority, the separate sanction of the Government of India is not required in the case of each officer who may from time to time be appointed to it."]—(116) (Finance Department Order No. 3415, dated 8th October 1885.)

Section 8.

(d) *Add the following to proviso (3) of this section:—*

And also to any increase to a net salary which, before the increase, exceeds Rs. 250 a month.—(236) (Finance Department No. 1711, dated 29th March 1888.)

Section 9 (a).

(e) *Insert the following in continuation of the foot-note to this section:—*

The concession granted by clause (2) of the above Resolution applies to all the members of the pensionable establishment of a Government school who were on the establishment of the school at the time of its transfer.—(232) (Financial Department Order No. 1446, dated 21st March 1888.)

CHAPTER III.

FOREIGN SERVICE.

[NOTE.—The Rules in this Chapter apply to all officers in the service of the British Government.*]

8. The Rules in Sections 9 and 10 apply to officers transferred on or after the 14th October 1871 from Qualifying service to Foreign service, and, as regards the rates of contribution, have effect from the 10th June 1882;† Provided— Officers transferred after 14th October 1871.

(1) that the transfer is made on public grounds, and not only in the private interest of the officer transferred;

(2) that the officer is transferred with the consent of the Local Government; and

(3) if he is transferred for service under a Native State upon a net salary exceeding Rs. 250, with the consent also of the Government of India in the Foreign Department.

9. (*a*)‡ From every officer transferred in the manner specified in Section 8, who does not wholly resign the service of the British Government, or who is not, for recorded special and public reasons, exempted from the Contribution required.

* See Appendix C, Extract 2.

† For the Rules applicable to the case of officers transferred before the 14th October 1871 (or, in the case of Teachers transferred to the service of the Chamba and Kolhapur States, before the 22nd October 1875), see Appendix D.

‡ RESOLUTION.—The Government of the Punjab in August last (1882) referred for the orders of the Government of India certain questions connected with the loan to aided schools of the services of schoolmasters belonging to the Educational Department; and the Government of Bombay in November submitted for orders an application from Managers of certain schools at Ahmedabad praying for permission to pay the prescribed contribution in order to secure pensions from Government for the teachers employed in their schools. After consulting the Education Commission now sitting in Calcutta, the Governor General in Council has arrived at the following conclusions on the question of the pensionary position of teachers in aided and other schools:—

(1) That it is unnecessary for the State to concern itself with arrangements for pensions to teachers in aided schools;

(2) that teachers now employed in Government schools which may be transferred to local bodies should be held to be still rendering service qualifying for pension;

(3) that in the case of teachers hereafter employed in institutions under local bodies, it will be optional for such bodies, with the previous sanction of the Provincial Government, to secure pensions for the teachers by contributing a lump sum annually on this account, unless the Provincial Government should prefer to make a part of its contribution to the school in the form of free pension; and

(4) that, save in very exceptional cases, Government should not undertake to lend teachers to aided schools.—(*Home Department,—No. 3—133—44 (Education), dated 11th April 1883.*)

operation of the Rules in this Chapter, a contribution is levied as follows:—

(A) In the case of a Covenanted Civil Servant;—at the rate of 16⅔ per cent. (one-sixth) on the gross salary which he receives from his Foreign employers:

(B) In the case of any other officer;—at the rate of 14⅔ per cent. (one-seventh) on the gross salary which he receives from his Foreign employers: provided always that the contribution from an Uncovenanted Officer shall in no case exceed Rs. 166⅔ a month,—

that is to say, the officer receives from his Foreign employers salary fixed in accordance with the Rules of the public Service for the appointment which he holds or in which he officiates, and, retaining five-sixths or six-sevenths, accordingly as he is an officer of Class (A) or (B), pays one-sixth or one-seventh, as the case may be, to the Government of India.

Government obligation.

(*b*) In return for this contribution, the Government accepts the charge for the officer's pension, and also that for his absentee allowances (except on Privilege leave, when the Government will pay only its share, according to the Rule of Proportions, and during which the contribution must be paid in the same manner as if the officer were on duty), in the same manner and to the same extent as if he were in the regular service of the British Government; saving only that the calculation of pension or absentee allowance is based upon the five-sixths or six-sevenths (as the case may be) pay which he retains, and not upon the full amount which he receives.

[NOTES.—(1). The contribution of an officer transferred from qualifying service payable from the revenues of Berar will, unless he is a member of some general establishment or service under the British Government, be credited to the revenues of Berar, and the service will qualify in the same way as if it were paid from the revenues of Berar.

(2). An officer of a Local Fund transferred to foreign service cannot make any contribution under the terms of the Rules in Chapter III.]

Temporary duty.

1. No contribution is levied from an officer who is transferred to Foreign service for a special temporary duty not lasting more than six months.

Contribution upon part of salary.

2. With the special permission of the Government of India in the Finance Department, or, if such contributions are a Provincial Asset, then of the Local Government, an officer may contribute in respect of a part only, not being less than two-thirds of his salary: Provided that pension or absentee allowance, in every case, is calculated only upon five-sixths or six-sevenths, as the case may be, of the amount on which the contribution is paid.

Section 9 (a) (B).

Add the following clause after the words "in no case exceed Rs. $166\frac{2}{3}$ a month :—"

"and from a Civil Engineer Rs. $233\frac{1}{3}$ a month."—(107) (Finance Department No. 3091, dated 17th September 1885.)

Section 9 (b).

Rule 1.

Insert the following explanation under this rule :—

Explanation.—In determining whether contributions are payable or not, the point to be considered is the duration of the appointment or duty to which the officer is transferred, and not the duration of the particular officer's employment in the appointment or on the special duty.—(183) (Finance Department Order No. 2368, dated 5th May 1887.)

Section 9 (b).

Rule 5.

Add the following Note to this Rule:—

[NOTE.—In the case of officers transferred with the Rajputana-Malwa Railway to the Bombay, Baroda and Central India Railway Company, the arrangements for payment of the required contributions form part of the contract with the Company, and are recovered by the Public Works Department from the Company and credited in the "India" Civil Accounts.]—(203) (Financial Department Order No. 3956, dated 22nd July 1887.)

Contribution for pension only by a Native of India.

3. A Native of India not being a Covenanted Civil Servant may, by resigning all claims to allowances from the British Government during leave in respect to the period of his employment in Foreign service, contribute for pension only. In such case the contribution shall be one-eleventh of the gross salary which he receives from his Foreign employers, and shall not exceed Rs. 100 a month; and the pension will be calculated upon the balance of salary which remains to him after the deduction.*

Inferior Servants.

4. From Inferior Servants* the contribution required is one anna in the rupee for pension only; the Government of India pays no leave allowances to such servants.

Contribution to be deducted at time of payment.

5. If the salary of the officer is disbursed at a British Government Treasury, the required contribution is deducted at time of payment; otherwise the officer himself must pay the amount, directly to the British Government, in the manner prescribed in Rule 6: the Government will not ordinarily enter into any direct arrangements with the Foreign employers of its officers or make any direct demands upon them.

Contributions how to be levied.

6. The contributions due from officers transferred to Foreign service, and permitted by competent authority to retain claim to pension or absentee allowance, will be levied under the following Rules:—

(1)—The officer, immediately on receiving the order of transfer, must furnish a copy thereof to the Civil Accountant General of the province within which he is serving, and must apply for orders to whom he is to account for the contribution required.

(2)—The officer to whom he is to account is determined as follows:—

(*a*) If the salary of the transferred officer in his new appointment is to be paid from a Government Treasury upon a bill subject to the audit of the Civil Accountant General—it will be the said Accountant General.

(*b*) Otherwise—it will be the Accountant General of the province within which the Municipality, Port Trust, Local Fund or other body concerned is situated; or, if the case is one of service under a Native State, the Accountant General of the Government under whose Administration the Native State is.

* There being reason to suppose that a misapprehension exists as to the principle upon which the Pension and Leave contributions of officers whose services are transferred to Native States, or bodies financially independent of the Government of India, are calculated, I am directed to request that particular attention may be paid to the Rules on the subject laid down in Chapter III of the Civil Pension Code. I am specially to point out that the salary of any officer whose services are lent to a Native State, or a body financially independent of the Government of India, should be fixed at a gross amount, which will include (1) the contribution payable on account of leave and pension or gratuity, or (2), in the case of a Native of India who resigns all claims to allowances from the British Government during leave, and also of Inferior Servants, the contribution for pension or gratuity only.—(*Circular, Financial Department, No. 1803, dated 14th March 1878.*)

(c) If the Foreign service is outside of British India—it will be the Comptroller General.*

(3)—The officer transferred must, immediately on his being relieved of his duty under the British Government, report to the Account Officer mentioned in Rule (2) the date and time on which he made over charge, and furnish particulars regarding his salary in Foreign service, and his postal address: he should also report the date on which he takes charge of his appointment in Foreign service. Any change in these particulars, and any leave taken by him, should also be reported to the Account Officer; and he must furnish all information which may at any time be required from him by the Account Officer.

(4)—In the case mentioned in Rule (2) (a) the officer will make his contribution by deduction upon his salary bill.

(5)—In other cases the officer must, not later than fifteen days after the end of the quarter for which salary in Foreign service is earned, remit direct to the Account Officer mentioned in Rule (2) the amount payable by him on account of contribution under the Rules in this Chapter, in respect of his salary for the said quarter: the remittance to be advised in such form as the said Account Officer may require. If the officer fails to make the remittance within the said period of fifteen days, or if the amount remitted is less than that properly payable, interest at the rate of 4 pies a day per 100 rupees (about 8 per cent.) will be levied upon the amount due from the date of the expiry of the said fifteen days until the date of receipt of the remittance by the Account Officer. If any amount due, including interest, is not paid up within twelve months of its accrual, the Account Officer should submit a report to the Government of India in the Department of Finance and Commerce, in order that it may be decided whether the officer's claims upon the British Government shall not be deemed to have lapsed.

* The contributions for pension from Military officers lent from India for service under the Egyptian Government will be realised by the Comptroller General in the manner laid down in the Civil Pension Code.

2. In addition to the report to be made by the officer himself direct to the Account Officer in accordance with clause (3) in Rule 6, Section 9 of the Civil Pension Code, the Controller of Military Accounts of each Presidency should forward quarterly to the Comptroller General a return showing the names of the officers lent for, or withdrawn from, the service of the Egyptian Government during the quarter, with such other particulars as are required by the above-quoted rules.

3. Officers should be required to remit their Fund subscriptions direct to the Examiner of Fund Accounts of the Presidency to which they belong. The decision will be notified in India Army Circulars.—(*Military Department, No. 358-S-F., dated 18th July 1883.*)

7. An officer must furnish all information which may be required from him by the Accountant General. Information required.

8. An officer is not permitted to withhold the contribution upon condition that the time of his Foreign service shall not count for pension or leave: he must either wholly resign the British service or, unless he is specially exempted, make the contribution required by these Rules. Withholding contribution.

9. In order to prevent claims for undue amounts of pension, the assent of the Local Government must be obtained to any increase of the pay or allowance of any officer who contributes under this Chapter, or who, under any other circumstances, earns by Foreign service a pension payable by the British Government. The assent of the Local Government should be withheld from any increase which does not appear reasonable, and such as would be allowed if the officer was serving the British Government. The liability of the Government in respect of pension will be strictly limited to the amount of pay so sanctioned. Subscriptions should not be accepted, and pension will not be paid in respect of pay not thus sanctioned. From the 1st February 1879 this Rule applied to officers to whom the Rules in Appendix D apply. Salary fixed by Government.

(NOTE.—"Local Government" in Rule 9 means the same "Local Government" that is referred to in Proviso (2) in Section 8, namely, the Local Government under which the officer was serving before his transfer to Foreign service, or under which he would serve if he left Foreign service.)

10. The salary of an officer on Foreign service must be borne by the Foreign body to whose service he is transferred, from the date on which he is relieved from his duty under the British Government to the date on which he is relieved from his duty under the Foreign body. Period for which Foreign body will bear the charge for salary.

11. An officer who is paid from a Local Fund may, on first appointment, with the permission of the Local Government, and upon production of a medical certificate under Section 106, Rule 2, subscribe for a pension under this Section. The Rules of the Code will then apply to such officer so long as he continues to subscribe for pension, as if he were paid from the General Revenues. Officer paid from Local Fund may subscribe.

12. When the Local Government allows an officer to subscribe for pension, his name, the date of his birth, and other particulars necessary for his identification, must be recorded in the office of the Accountant General. The medical certificate should also be sent to the Accountant General. Record of particulars for identification.

13. The Rules in Chapter IX apply to an officer appointed to the Kolhapur School before the 22nd October 1875; but the British Government is not responsible for any pension to which he may become entitled. Such pension is payable only from the Fund described in Rule 1 (*b*), Appendix D. If such an officer is transferred to British service, any pension to which he may become thereafter entitled is payable according to the Rule of Proportions by the British Government and from the said Fund. Kolhapur School.

Covenanted Civil Servant's contribution.

14. The deduction made under this Section from the salary of a Covenanted Civil Servant includes the deduction made on account of his annuity. His gross salary when transferred to Foreign service should, therefore, be one-fifth greater than the net salary which it is intended that he should retain for himself after paying the ordinary contribution of 4 per cent. towards the cost of his annuity: *Example.*—The salary of A. B., a Covenanted Civil Servant, is Rs. 1,000; from this he pays Rs. 40 towards cost of his annuity and retains Rs. 960 for himself. If transferred to Foreign service, his gross salary will be Rs. 1,152. The contribution payable to the British Government is Rs. 192.

No right of property in contributions made.

15. No officer has any right of property in contributions made under this Section, or any claim upon Government in respect to such contributions, except to receive such pension or absentee allowance as may become admissible to him in accordance with the Rules in this Code.

Pension, &c., regulated under the Rules of the Government of India. Saving from absence of an officer ordinarily accrues to his employer. Exceptions.

16. The pension, leave and acting allowances of an officer on Foreign service, whether acting or permanent, are regulated by the Rules which apply to officers of the Government of India. Any saving arising from the absence of a permanent officer accrues to his employer, except when an officer is exempted from the payment of the contribution prescribed in this Section (*see Section 11, (c) and (d)*), when the saving should be paid to the British Government.

Salary for acting in Foreign service.

17. The salary of an officer appointed to act for an officer on Foreign service shall be calculated as if the pay of an officer on such service were the net amount which remains to him after making his contribution; one-fifth in the case of a Covenanted Civil Servant, one-sixth in the case of any other officer (if he contributes for both leave and pension) or 6⅔ per cent. in the case of an Inferior Servant, being added to the total sum thus calculated. Provided that in the case of an officer on Foreign service, who, under Rule 2, is permitted to contribute upon a portion of his salary, the calculation shall be made as if he made the contribution upon his whole salary:

Examples—

(1) A. B., a Covenanted Civil Servant, receiving a pay of Rs. 500 from the British Government, officiates in an appointment in Foreign service, the gross pay of which is Rs. 1,200. Deducting the sum contributed for leave and pension, the net pay of the appointment is, therefore, Rs. 1,000. A. B.'s salary is—

	Rs.
Pay	500
Acting allowance ⅔ (1,000—500)	333⅓
Salary . . .	833⅓
Add ⅙ (to be contributed to the British Government)	166⅔
Gross Salary . . .	1,000

(2) A. C., an Uncovenanted Officer, receiving a pay of Rs. 350 from the British Government, officiates in an appointment in Foreign service, the gross pay of which is Rs. 1,166⅔. Deducting the sum contri-

Section 9.

^

Insert the following as a note to Rule 16 under this section :—

["NOTE.—The Government of India cannot recognise any leave granted, otherwise than in accordance with the rules in the Civil Leave Code, to an officer on foreign service who is permitted to contribute towards pensionary and leave allowances under the rules in this chapter. If such leave is granted to an officer, the Accountant General shall, on the fact coming to his notice, require the leave so granted to be commuted to the leave for which the officer is eligible under rule, and call upon him to refund any allowance drawn by him in excess of the amount admissible under rule. If the officer fails to comply with these conditions, he will be liable to forfeit his previous service under Government, and to cease to have any claim on Government in respect of either pensionary or leave allowances."]—(108) (Finance Department Order No. 3122, dated the 22nd September 1885.)

(a)

Section 9 (b).

Rule 18.

Insert the following Note under this Rule :—

"[NOTE.—This Rule does not apply to an officer transferred to a Local Fund otherwise than as a merely temporary arrangement.]"—(87) (Finance Department No. 1664, dated the 1st July 1885.)

buted for leave and pension, the net pay of the appointment is, therefore, Rs. 1,000. A. C.'s salary is—

	Rs.
Pay	350
Acting allowance, $\frac{1}{5}$ of 1,000	200
Salary	550
Add $\frac{1}{6}$ (to be contributed to the British Government)	$91\frac{2}{3}$
Gross salary	$641\frac{2}{3}$

(3) A. D., an Inferior Servant, receiving a pay of Rs. 6 from the British Government, officiates in an office in Foreign service, the gross pay of which is Rs. 10-10-8. Deducting the sum contributed for pension, the net pay of the appointment is, therefore, Rs. 10. A. D.'s salary is—

	Rs.	A.	P.
Pay	6	0	0
Acting allowance, $\frac{1}{5}$ of Rs. 10	2	0	0
Salary	8	0	0
Add $6\frac{2}{3}$ per cent. (to be contributed to the British Government)	0	8	6
Gross Salary	8	8	6

(4) A. E., an Uncovenanted Officer, receiving a gross pay of Rs. 700 in Foreign service, and contributing for both leave and pension, is appointed to officiate in an another office in Foreign service, the gross pay of which is Rs. $1,166\frac{2}{3}$. A. E.'s salary is—

	Rs.
Net pay	600
Acting allowance, $\frac{1}{3}$ of Rs. 1,000	200
Salary	800
Add $\frac{1}{6}$ (to be contributed to the British Government)	$133\frac{1}{3}$
Gross Salary	$933\frac{1}{3}$

Lien upon substantive appointment under the British Government.

18. If an officer is, under the Rules in this Chapter, transferred from Qualifying service to Substantive Foreign service, it must be arranged that he does not forfeit a lien upon his Substantive office under the British Government, which his *locum tenens* can only hold in subordination to such lien by the absentee. Subject to this condition, however, the status of the *locum tenens* is that of a Substantive officer.

Reversion to substantive service under British Government in the case of return to acting service under it.

19. An officer so transferred cannot return to Acting service under the British Government without reverting also to his Substantive British office, the *locum tenens* of this office thereupon falling back upon acting allowances. No officer, while acting in any appointment under the British Government, or the pay of which is regulated by the British Government, is entitled to allowances on account of any Foreign office. But there is no objection to his being permitted to retain a lien upon such an office, or to the actual incumbent being appointed thereto, during his absence substantively, for a time only.

[NOTE.—This Rule refers to an officer of the British Government lent to Foreign service, who subsequently returns to service under the

British Government, and is not affected by the last clause of Section 10 of the Pay and Acting Allowance Code, which refers only to a servant of a Foreign State, &c., whose services are temporarily borrowed by the British Government.]

Remission of contribution.

20. The Local Government may remit the contribution for any period during which an officer on Foreign service is temporarily employed under the British Government on duties additional to, or distinct from, his duties on Foreign service.

Thánádárs in Káthiáwár and their establishments.

21. The Thánádárs in Káthiáwár, and the members of their establishments admitted to the service from and after the 1st September 1878, must make the contribution prescribed in this Chapter. The persons named in Schedule C, who were in the service on the 1st September 1878, are similarly required to contribute from that date; and the following special arrangements are made in view to their past service counting:

(*a*) Each of the persons numbered 1—11 will on retirement be granted a pension for the accumulated amount of his contributions in that proportion which the amount of his actual contributions bears to the amount which he would have subscribed had he contributed at the rate prescribed in this Chapter—

(i) in the case of the persons numbered 1—3 from the 14th October 1871;

(ii) in the case of the persons numbered 4—11 from the date of first appointment to the Service.

(*b*) Arrears on account of contributions at the rate prescribed in this Chapter, calculated to the 31st August 1878, have been recovered from the persons numbered 12—14, and they will on retirement be entitled to the full amount of pension.

This Rule does not apply to members of the Thánâ Police: these subscribe to a superannuation fund.

(b)

Contribution upon premia paid to Uncovenanted Service Family Pension Funds, Bengal and Bombay.

10. In addition to his contribution under Section 9 (*a*), a subscriber to the Bengal or Bombay Uncovenanted Service Family Pension Fund must pay to the British Government one-fourth of the premia which he pays to the Fund. This contribution is required to compensate the Public Treasury for the cost of favourable interest paid to the Fund on behalf of the subscriber. In order that he may know and enforce this liability, the Accountant General must ascertain from time to time the premia which are paid to these Funds by each subscriber on Foreign service.

Note (c)

Excepted cases.

11. The Rules in this Chapter do not apply in the following cases:—

Assistant Opium Agents.

(c) (a) Assistant Opium Agents in Independent Native States, who are paid by the Native States.

Charitable dispensaries Vaccination officers.

(*b*) Medical Officers lent to charitable dispensaries or hospitals in British India, the Assistant Superintendent of Vaccination in Karachi, the Assistant Superintendent of Vaccination in Bombay, and the head, second and third clerks in the Presidency Vaccination Office, Bombay, who are all enrolled officers of Government.

Note: Subscribers to the Ind. F. P. Fund during is [illegible] are liable to pay the add. premium prescribed in this section, the charge on the account being borne by the State Revenues.

Section 9.

Insert the following as Section 9 (c):—

(c) Except with the sanction of the Government of India, no officer belonging to the service of, or in receipt of a pension from, the British Government, who is transferred to service under a Native State, may accept a pension or gratuity from such State.—(218.) (Finance Department No. 6128, dated 18th November 1887.)

Section 10.

Insert the following as Exception (1) under this section:—

Exception (1).—~~Officers~~ Subscribers who were transferred to Foreign service before the 24th December 1879, and have not returned to Government service since then, are not required to pay any additional premium.—(189) (Finance Department Order No. 2833, dated 27th May 1887.)

Section 10.

Insert the following as Exception (2) under this section:—

Exception (2).—An officer who has been on Foreign service and has gone on furlough retaining a lien upon any appointment in Government service, or who, being a member of any Government establishment, has his allowances on furlough paid by Government, is not required, while on such furlough, to pay any extra premium in respect of his fund subscriptions.—(190) (Finance Department Order No. 2835, dated 27th May 1887.)

Section 11 (b).

Strike out the word "and" after "second" in the fourth line of this Section, and insert the words "and fourth" after "third" in the fifth line.—(27) (No. 2260, dated 18th July 1884.)

but paid by Municipalities, and Vaccinators enrolled as officers of Government and employed in Military Cantonments or under Municipalities or paid from Local Funds. The service of these officers counts as if it were British service.

(c)—The Chairman of the Commissioners of the Town of Calcutta, ~~or of~~ the Municipal ~~Corporation of~~ the City of Bombay, or the President of the Municipal Commission for the Town of Madras. The exemption of these officers from the operation of the Rules in this Chapter is a substantial contribution by the Government to the Municipal Revenues, granted in consideration of the fact that the Local Government, and not the Municipalities, appoints these officers. Chiefs of Municipalities of Presidency towns.

(d)—Political officers employed in the Sawant Wari and Kolhapur States on the 18th August 1875, and also those who may be thereafter appointed to offices held by British officers in those States on the 18th August 1875. Political Officers in Sawant Wari and Kolhapur States.

(e)—Officers lent to the Nair Brigade of the Travancore State. Nair Brigade.

[NOTE.—The Travancore State pays a portion of the Furlough allowances of officers attached to the Brigade.]

(f)—Officers lent to the Travancore State to fill the office of Durbar Physician or any offices held by officers of the British Government on the 29th January 1873. Travancore State.

(g)—When the services of an officer are lent for employment out of India, either to Her Majesty's Government in England, or to any Colonial or Foreign Government, the officer shall make a contribution to the Indian Exchequer in accordance with the rules in this Chapter. But if an officer while absent on furlough is permitted to take employment of the above kind, or if an officer is allowed to take furlough for the purpose of taking such employment, he may draw his furlough allowance from Indian revenues in addition to any allowance which may be assigned to him for the employment: in this case the contribution is not required for the period of the officer's employment as above, but will be payable from the date of the expiry of the furlough should the officer continue in it. Service under Her Majesty's Government in England or under any Colonial or Foreign Government outside of India, will in this case be held to begin from the date of the expiry of the furlough. Imperial and Colonial Governments.

No officer employed as above on any duty unconnected with India shall, except as provided in this rule and in the 2nd paragraph of case (i), receive any allowances from Indian revenues while so employed.

[NOTE.—Rule 6 of Section 9 (b) applies to officers to whom this case applies.]

(*h*)—An officer, not being a Military Officer or a Covenanted Civil Servant, transferred to service under a Colonial Government, on final retirement from the Colonial Service on pension or compensation allowance, receives at the charge of the Indian Revenues, for each completed year of qualifying and uninterrupted service in India, a pension of one-sixtieth of his average emoluments at the time of his transfer, such average emoluments to be calculated for the last five years, or if the whole service in India is less than five years, for the whole period of service. The pension is subject to a maximum limit of Rs. 2,000 a year for an Indian service not exceeding ten years, and Rs. 4,000 a year in any other case.

(*i*)—In the case of transfers of officers to the service of the Egyptian Government, the contribution for pension shall be fixed, if the officer is a Covenanted Civil Servant or a Commissioned Military Officer, at 10 per cent. of the pay which he draws in Egypt; and if he is an Uncovenanted Officer, at 10 per cent. of his pay, subject to a maximum limit of Rs. 111 a month. Service in Egypt will in no case count as service towards Indian furlough.

If an officer is at the time of his transfer entitled to privilege leave, and obtains it with the avowed intention of taking employment under the Egyptian Government, he may draw his privilege leave allowances from Indian revenues in addition to any allowances which may be assigned to him by the Egyptian Government without being required during the period of leave to make the contribution for pension in respect of employment in Egypt. The right to receive privilege leave allowances is, however, contingent on his return to duty under the Indian Government on the expiry of the leave: if, therefore, an officer continues in the service of the Egyptian Government after the end of seven days from the date of the expiry of his privilege leave, the leave will be considered as cancelled, and the officer's Foreign service will be held to have begun on the date from which he availed himself of his privilege leave.

[NOTES (1).—Rule 6 of Section 9 (*b*) applies to officers to whom this case applies.

(2).—In the case of a Military Officer, the contribution prescribed covers the liability of Indian revenues for temporary half-pay, or half-pay pension in any case of an officer losing his health during Egyptian service before becoming entitled to ordinary so-called full-pay pension.]

CHAPTER IV.

JUDGES OF THE HIGH COURTS.

The following are the Regulations made by the Secretary of State in Council of India, under the provisions of 24 and 25 Victoria, Cap. 104, Sec. 6, respecting the retiring pensions of the Judges of the High Courts. They were approved in the Judicial despatch from the Secretary of State, No. 43, dated 11th October 1871.

[NOTES.—1. In this Chapter

"Actual Service" includes—

(1) Time spent on duty as a Judge or Officiating Judge of a High Court.

(2) Privilege leave of absence.

(3) Subsidiary leave of absence.

(4) Duly authorised Vacations, provided that the Judge is not absent on Furlough or Extraordinary leave.

"Extraordinary leave" means any leave granted otherwise than under the Rules in this Chapter.]

2. "Native Judge," in the Rules in this Chapter, means a Native of India (not being a member of the Covenanted Civil Service appointed by the Secretary of State for India after competitive examination in England) who received his permanent appointment as Judge of a High Court after the 21st May 1881.]

Chief Justice, Calcutta.

12. A Chief Justice of the High Court at Calcutta, after an actual service of eleven and a half years as Judge of the High Court, of which period at least half shall have been in the office of Chief Justice, shall receive a pension not exceeding £1,800 per annum.

Puisne Judge, Calcutta.

13. A Puisne Judge of the High Court at Calcutta, not being a Native Judge, on the same terms as to length of service, shall receive a pension not exceeding £1,200 per annum.

Chief Justice, Madras, Bombay, and North-Western Provinces.

14. A Chief Justice of the High Courts of Madras, Bombay, and the North-Western Provinces, respectively, after an actual service of eleven and a half years as Judge of the High Court, of which period at least half shall have been in the office of Chief Justice, shall receive a pension not exceeding £1,500 per annum.

Puisne Judge, Madras, Bombay, and North-Western Provinces.

15. A Puisne Judge of the High Courts of Madras, Bombay, and the North-Western Provinces, respectively, not being a Native Judge, on the same terms as to length of service, shall receive a pension not exceeding £1,200 per annum.

CHAP. IV.

Judges of the High Courts.

Native Judge.

16. A Native Judge of the High Courts of Calcutta, Madras, Bombay, and the North-Western Provinces, respectively, on the same terms as to length of service, shall receive a pension not exceeding Rs. 9,000 per annum.

Pension on medical certificate.

17. A Chief Justice or Puisne Judge compelled to retire on medical certificate after six years and nine months' Actual Service, shall receive a pension not exceeding one-half the amount of pension allowed for the full period of service.

No pension under other Rules.

18. In the event of a Judge of the High Court, selected from the Covenanted or Uncovenanted Service, receiving a pension under these Rules, he will not be entitled to any pension or Retiring allowance under the Rules applicable to Covenanted and Uncovenanted Servants, respectively.

Pension when not admissible under these Rules.

19. When a Judge of the High Court, selected from the Covenanted or Uncovenanted Branch of the Civil Service, is permitted to retire before completing the full period of service entitling him to the pension of a Judge of that Court, he shall, on retiring, receive such a pension as he would be entitled to under the Rules applicable to Covenanted and Uncovenanted Servants, respectively, reckoning the period during which he shall have served as a Judge of a High Court towards his time for such pension.

Proviso

20. Provided, however, that if a Judge of the High Court, selected from the Covenanted or Uncovenanted Branch of the Civil Service, shall be compelled to retire on medical certificate after six years and nine months' Actual Service, he shall be allowed the option of taking his pension or Retiring allowance either under these Rules or under the Rules applicable to the Service to which he belongs.

Subscriptions on account of annuity.

21. A Judge of the High Court, selected from the Covenanted Civil Service, is not required to continue his subscriptions on account of annuity, with the exception of the following Judges of the High Court at Calcutta:—

McDonell, W. F., V.C.	Maclean, A. T.
Prinsep, H. T.	Field, C. D.
Tottenham, L. R.	

Section 21.

Strike out this Section. (5) (*No. 321, dated 18th April 1884.*)

Service in another Court.

22. If a Judge be transferred from one Court to another, the period for which he has officiated in the first Court shall count as service qualifying for retiring pension.

Service how to count on promotion to Chief Justiceship.

23. If a Puisne Judge be promoted to be a Chief Justice in the same or another Court, the time for which he has served as Puisne Judge will count for pension according to the rate of a Puisne Judge's pension, and the time for which he serves as Chief Justice will count for pension according to the rate of a Chief Justice's pension.

[NOTE.—The period during which a Puisne Judge performs the duties of Chief Justice under an appointment made by virtue of Statute 24 and 25 Vic., Cap. 104, Section 7, shall count only as service for pension not exceeding £1,200 a year, unless he shall subsequently be promoted to the office of Chief Justice of one of the High Courts, in which case the said period shall count as service for the pension of £1,500 or of £1,800, according to the Court to the Chief Justiceship of which he shall be promoted:

Provided that the period of service as Chief Justice of Bengal under an appointment made as aforesaid shall not count for pension at a rate exceeding £1,500 a year, except in the event of subsequent promotion to the office of Chief Justice of Bengal.]

Service how to count on promotion to Chief Justiceship, Calcutta, from another Court;

24. If a Puisne Judge of Madras, Bombay, or the North-Western Provinces be promoted to be Chief Justice of Calcutta, the time for which he has served as a Puisne Judge will count for pension at the rate of Puisne Judge's pension, and the time for which he serves as Chief Justice of Calcutta will count for pension according to the rate of such Chief Justice's pension.

and on transfer from Chief Justiceship of one Court to that of Calcutta.

25. If a Chief Justice of Madras, Bombay, or the North-Western Provinces be transferred to be Chief Justice of Calcutta, the time for which he has served in the former capacity will count for pension according to the rate of pension of a Chief Justice of Madras, Bombay, or the North-Western Provinces, and the time for which he serves as Chief Justice of Calcutta shall count for pension according to the rate of pension of a Chief Justice of the High Court of Calcutta.

CHAPTER V.

COVENANTED CIVIL SERVANTS APPOINTED BY THE HONOURABLE EAST INDIA COMPANY, OR, AFTER COMPETITIVE EXAMINATION IN ENGLAND, BY HER MAJESTY'S SECRETARY OF STATE FOR INDIA.

Contribution from pay and other emoluments.

26. Four per centum shall be deducted at the time of payment from every officer's pay, and from such of his other public emoluments as are mentioned in the last column of the following Table :—

If the officer was in the Service in 1875, or was appointed to it after passing a competitive examination held before the end of the year 1875, and belongs to the	Bengal Establishment.	Every allowance, excepting (1) Minimum Furlough allowance, (2) Subsistence allowance while on Furlough, (3) Establishment allowance, (4) Sumptuary allowance, and (5) Travelling allowance.
	Madras Establishment.	(1) Acting allowance, (2) Deputation allowance, (3) Personal allowance, (4) Fees, (5) Allowances while on Privilege or Subsidiary leave, (6) Subsistence allowance when not on leave other than Privilege and Subsidiary leave, and (7) Local allowance other than Travelling allowance and Tentage. [NOTE.—An Assistant or Head Assistant Collector in the Madras Presidency is not required to pay the contribution on account of annuity on that part of his consolidated pay, which, before the orders of the Government of India, in the Finance Department, No. 956, dated 1st June 1880, was drawn as house-rent allowance.]
	Bombay Establishment.	(1) Acting allowance, (2) Deputation allowance, (3) Personal allowance, (4) Fees, (5) Allowances while on Privilege or Subsidiary leave, (6) Subsistence allowance when not on leave other than Privilege and Subsidiary leave, and (7) Local allowance other than Travelling allowance and Tentage.

Section 26.

Note.

Strike out the words beginning with "or" in the third line to the end of this Note.—(83) (Finance Department No. 1501, dated the 19th June 1885)

Section 28.

Cancel the correction made in Finance Department No. 348, dated 25th January 1887 (Addendum No. 176), and add the following at the end of the Section as it originally stood:—

The resignation of the service by a Judge of a High Court ~~may~~ shall not be accepted unless his resignation of his office is at the same time tendered and accepted.—(199) (Financial Department Order No. 3685, dated 12th July 1887.)

Covenanted Civil Servants appointed by the E. I. Co., or, after competitive examination, by H. M.'s Secy. of State. CHAP. V.

If the officer is appointed to the Service after passing a competitive examination held in or after the year 1876.	Every allowance, excepting (1) Minimum Furlough allowance, (2) Subsistence allowance while on Furlough, (3) Establishment allowance, (4) Sumptuary allowance, (5) Travelling allowance, and (6) Tentage.

[NOTE.—The deduction prescribed in this Section is not made from the salary of an Ordinary Member of the Council of the Governor General, or of the Council of the Governor of Madras or Bombay; ~~or from the salary of a Judge of any High Court, except in the case of a Judge of the High Court at Calcutta, who was appointed to be such Judge before the 31st May 1861.~~]

1. The deduction from allowances required by this Section is included in the deduction made under Chapter III, and is not to be separately made, except when the contribution prescribed in Rule 14, Section 9, is calculated upon the salary which remains to an officer after the usual deduction on account of annuity. No separate contribution from officers in foreign service.

27. An officer who has been twenty-five years in the Service, counting from the date of his covenant, or from the date of the despatch of the Secretary of State announcing his appointment (whichever may have been earlier), Retiring annuity.

and who has rendered twenty-one years' Active Service,

is entitled, on his resignation of the Service being accepted, to an Annuity of £1,000.

28. An officer who resigns the Service will, by such resignation, vacate any office under the Government which he may then be holding. But this Rule does not apply to the offices of Viceroy and Governor General of India, Governor of Madras, Governor of Bombay, ~~and~~ Ordinary Member of the Council of the Governor General. Vacation of office required if Service is resigned.

29. An officer who, being declared by a medical certificate, in due form, to be incapacitated for further service, is permitted to resign the Service before he is entitled to an annuity under Section 27, is entitled to a gratuity or annuity as follows:— Invalid annuity.

(*a*) If he have been in the Service for less than five years;—A gratuity of £500.

(*b*) If he have been in the Service for five years or more;—An annuity of £150 *plus* £20 for each complete year of service in excess of five; provided that the whole annuity shall not exceed £450.

CHAP. V.

Covenanted Civil Servants appointed by the E. I. Co., or, after competitive examination, by H. M.'s Secy. of State.

Procedure.

1. The following Rules regulate the procedure with respect to applications for annuity or gratuity :—

(*a*)—(1) An officer of the Bengal Civil Service serving immediately under the Government of India, if he be in India, shall submit his application for permission to resign the Service, and for an annuity, to the Government of India, in the Department under which he is serving; and the Department receiving the application will forward it, with any remarks that may be necessary, to the Home Department, which should obtain the report of the Comptroller General upon the officer's claim in respect of Service and Active Service, and also as to whether there are any demands against him on account of the deduction prescribed in Section 26, or on any other account. (2) Any other officer in the Bengal Civil Service, if he be in India, shall submit his application to the Local Government under which he may be serving; and the Local Government will forward the application, with any observations which may be necessary, to the Government of India, in the Home Department, together with a No-Demand Certificate from the Accountant General. (3) An officer of the Madras or the Bombay Civil Service, if he be in India, shall submit his application to the Government of Madras or Bombay, as the case may be. (4) When an officer, while on leave, applies to the Secretary of State for permission to retire, whether after completing his full period of service, or after having been declared by the Medical Board to be unfit for further service in India, his resignation is accepted, subject to the adjustment of any demands that may be standing against him in India; and he is directed to apply to the Government of India, the Government of Madras, or the Government of Bombay, as the case may be, for the annuity or gratuity to which his length of service may entitle him.

(*b*)—In the case of an officer of the Bengal Civil Service, if his resignation be accepted, the case should be forwarded to the Finance Department of the Government of India, in which Department a Resolution will be recorded, granting the annuity or gratuity to which the officer may be entitled.

(*c*)—The copy of this Resolution forwarded to the officer will be his authority for drawing his annuity or gratuity.

(*d*)—A Covenanted Civil Servant who resigns the Service while he is in Europe, and who has completed the

Section 29.

Rule 1 (a).

Clause 4.

Prefix the following to this Clause :—

A Covenanted Civil Servant, who wishes to retire from the service while on leave in Europe, must submit his application to the Secretary of State."—(199) (Financial Department Order No. 3685, dated 12th July 1887.)

Substitute the following for this section as amended by addendum No. 106 :—

31. Payment of these annuities and gratuities may be taken at the Home Treasury in sterling money, or in India in Government rupees, at the following rate :—

If the annuitant was a member of the Bengal Civil Service,—10⅝ Government rupees for each pound sterling.

If the annuitant was a member of the Madras or Bombay Civil Service,—10·65 Government rupees for each pound sterling.

Provided that any annuitant who is a permanent resident in India, may, if he wishes to draw his annuity in that country, exercise the option of receiving it at the rate of exchange annually fixed for the adjustment of transactions between the British and Indian Exchequers.

Transfer from the Home Treasury to an Indian Treasury, and *vice versâ*, is permitted twice only.

[NOTE.—The reasons for the difference in the rates of exchange are to be found in the history of the Annuity Funds. The rates of exchange differ considerably in the various Service Funds.]

(131) (Finance Department Order No. 1026, dated 4th March 1886.)

requisite period of service and residence, and elected to draw his annuity from the Home treasury, can obtain advances from the Secretary of State for India.

30. Annuities are payable in arrear, quarterly, and to date of decease. Rate of payment.

The annuity of an officer who leaves India by sea, when retiring from the Service at the end of Subsidiary leave, begins on the day of the departure of the vessel in which he sails. His Subsidiary leave ceases after the day before the vessel sails.

[NOTE.—The annuity of a Member of Council who has not previously resigned his seat in Council, or whose successor has not entered upon his office, commences from the day following that on which the vessel in which he leaves India sails, or from the expiry of his five years' tenure of office, whichever date is earlier.]

1. An officer leaving India on resignation of the Service must report the date of the departure of the vessel in which he sails, if he is a member of the Bengal Civil Service, to the Government of India in the Finance Department; and if he is a member of the Madras or Bombay Civil Service, to the Government of Madras or Bombay, as the case may be. Report of date of departure required.

[NOTE.—A copy of this Rule should be furnished by the Accountant General to every officer (if he be in India) who applies to resign, with an intimation that there will be delay in the commencement of his annuity if he does not report the date of his departure. This copy should be sent to the officer when the Accountant General prepares his No-Demand Certificate.]

31. Payment of these annuities and gratuities may be taken at the Home treasury in sterling money, ~~or, in India, in Government rupees, at the following rate:—~~ Place of payment.

~~If the Annuitant was a member of the Bengal Civil Service;—10⅔ Government rupees for each pound sterling;~~

~~If the Annuitant was a member of the Madras or Bombay Civil Service;—10·65 Government rupees for each pound sterling.~~

Transfer from the Home treasury to an Indian treasury, or *vice versâ*, is permitted twice only.

~~[NOTE.—The reasons for the difference in the rates of exchange are to be found in the history of the Annuity Funds. The rates of exchange differ considerably in the various Service Funds.]~~

1. Whenever a certificate is issued for the payment of an annuity from the Home treasury, the amount of the annuity must Certificate for payment of annuity.

be stated in pounds sterling and not in rupees, and, in the case of transfer of payment from India to the Home treasury, it must be distinctly recorded that no further payment on account thereof will be made in India.

Compulsory retirement.

32. After thirty-five years' service, counting from the date of his arrival in India, an officer shall not, except, for special reasons, with the sanction of the Secretary of State, retain his office or be appointed to any new office. Provided that if such an officer has held his office for less than five years, he may, for special reasons, with the sanction of the Government of India, be permitted to retain his office until he has held it for five years. The term "office" in this Section includes an officiating appointment.

[NOTE.—The period of five years referred to in this Section, begins to run from the date on which the officer first takes up the office, whether substantively or temporarily, provided that, if temporary, he is confirmed without reverting to his substantive appointment; but the currency of the period is not interrupted by any subsequent temporary promotion to a higher appointment.]

CHAPTER VI.

NATIVE CIVIL SERVANTS.

Compulsory retirement.

33. Except with the special sanction of the Governor General in Council, a Native Civil Servant, who has reached the age of fifty-five years, shall not be appointed, either substantively or officiating, to a new office, or be permitted to retain any office, which he has held, either substantively or officiating, for five years.

[NOTE.—The period of five years referred to in this Section, begins to run from the date on which the officer first takes up the office, whether substantively or temporarily, provided that, if temporary, he is confirmed without reverting to his substantive appointment; but the currency of the period is not interrupted by any subsequent temporary promotion to a higher appointment.]

Maximum pension.

34. The pension of a Native Civil Servant shall in no case exceed the following limits, namely—

		Rs.	
After an Active Service of not less than	25 years . .	5,000	a year.
Ditto ditto	30 „ . .	6,000	„

All the Rules in this Chapter are subject to these maxima.

35. (*a*) On his resignation of the Service being accepted after not less than 25 years' Active Service, a Native Civil Servant is entitled to a Retiring Pension of half his average salary during the three last years of his Active Service. Retiring pension.

(*b*) A Native Civil Servant who, upon a medical certificate in the form prescribed in Section 108, is permitted to resign the Service before he has completed 25 years' Active Service, is entitled to Invalid Pension as follows:—

(1) After an Active Service of less than ten years—
Gratuity of one month's pay for each year of Active Service;

(2) After an Active Service of not less than ten years—
Pension of Rs. 1,500 a year, plus Rs. 150 for each complete year of Active Service in excess of ten.

36. (*a*) A Native Civil Servant removed from the Service, under Section 33, after an Active Service of less than 25 years, is entitled to a Superannuation Pension. Superannuation pension.

(*b*) On reaching the age of 55 years, a Native Civil Servant may retire upon a Superannuation Pension.

(*c*) The amount of a Superannuation Pension is the same as that of an Invalid Pension.

37. (*a*) A Native Civil Servant who filled a pensionable office before his admission to the Covenanted Civil Service, may, at his option, count his whole pensionable service and receive a consolidated pension, made up as follows:— Proportionate pension in respect of other service.

(1) That proportion of the pension to which he would have been entitled under Sections 35 and 36, if his whole service had been passed in the Covenanted Civil Service, which his Active Service bears to the whole of his qualifying service.

(2) That proportion of the pension to which he would have been entitled if his whole service had been in the Uncovenanted Service, which his previous service bears to the whole of his qualifying service.

(*b*) If a Native Civil Servant is entitled to gratuity only, his gratuity shall be calculated as if his whole service had been passed in the Covenanted Civil Service.

38. The procedure upon an application for pension, and upon the payment of pension, is that described Procedure.

in Rule 1 under Section 29, and Chapter XII, respectively.

CHAPTER VII.

CHAPLAINS.

Residence and service

39. (*a*) In this Chapter "Residence" is reckoned, in the case of a Chaplain appointed in England, from arrival in India; and, in the case of a Chaplain who is appointed while resident in India, from the date on which he takes charge of his office. It includes (1) Time spent on Duty, (2) Privilege and Subsidiary leave, (3) Time passed Out of Employ in India otherwise than on leave.

[NOTE.—A Chaplain who is appointed while resident in India must not take charge of his office before the despatch appointing him is received in India. His service cannot count before such receipt.]

Date of arrival in India.

1. A Chaplain on the Bengal Establishment, who is posted in England to the Lahore Diocese or to any Station in the Central Provinces or north of Allahabad, who comes to India *viâ* Bombay, and who is instructed by the Secretary of State to enquire from the Secretary to the Government of Bombay for orders as to his ultimate destination, is held to have arrived in India either on the date on which he reports his arrival at the Station to which he is directed to proceed in the orders he receives at Bombay, or if he receives no orders at Bombay, on the date on which he reports his arrival at Allahabad. A Chaplain, who is not on the Bombay Establishment, and who is not posted to any Station in the Lahore Diocese or to any Station in the Central Provinces or north of Allahabad, but who comes out to India *viâ* Bombay, is held to have arrived in India from the date on which he reports his arrival at the Presidency Town of the Presidency to which he is attached, or, if he receives orders at Bombay to proceed to any particular Station, from the date of his arrival at that Station. The report of arrival, in each instance, is to be made to the Bishop of the Diocese to which the Chaplain is attached.

(*b*) "Service" includes "Residence," and, also, all time spent on leave of any description, but no time before the beginning of "Residence."

Retiring pension.

40. A Chaplain who has completed seventeen years' Residence and twenty years' Service is entitled to a Retiring pension of £365 a year.

May retire while on furlough.

1. A Chaplain absent on Furlough may retire without returning to India.

Add the following to this Section :—

"And a chaplain who has completed fifteen years' residence, is entitled to a retiring pension of £292 a year, without regard to the total length of service."—(149) (Finance Department Order No. 1898. dated the 13th July 1878.)

Section 40.

Rule 1.

Strike out this Rule.

(104) (Finance Department No. 2889, dated the 8th September 1885.)

Section 40.

Rule 2.

Insert the following after "certificate" *in line 6 of this rule :—*

(in Form B (1), Appendix A, of the Civil Pension Code)

(229) (Finance Department Order No. 1281, dated 7th March 1888.)

2. Pensions are granted either by the Government of India, the Government of Bombay, or the Government of Madras (as the case may be), or by the Secretary of State. A Chaplain proceeding to England on retirement without applying for pension to the Government of India, the Government of Bombay, or the Government of Madras (as the case may be), should procure a certificate— Procedure.

if he is a Chaplain on the Bengal Establishment, or a Chaplain of the Chuch of Scotland serving in the Bengal Presidency;—from the Comptroller General,

if he is a Chaplain on the Bombay or the Madras Establishment, or a Chaplain of the Church of Scotland serving in Madras or Bombay;—from the Accountant General at Bombay or Madras (as the case may be),

showing his service, residence, the amount of pension to which he is entitled, and the date from which his pension may be paid. A Chaplain to whom pension has been granted in India should be careful before proceeding to England to obtain the usual certificate of the last issue of pay or pension to him in India.

3. A Chaplain belonging to the Bengal Establishment, who wishes to obtain pension from the Authorities in India, must submit his application to the Government of India in the Home Department, through the Archdeacon or Bishop of his Diocese. A Chaplain belonging to the Madras or Bombay Establishment must submit his application to the Government of Madras or the Government of Bombay, as the case may be, through the Archdeacon or the Bishop of his Diocese. A Chaplain of the Church of Scotland serving in the Bengal Presidency, who wishes to obtain pension from the Authorities in India, must submit his application to the Government of India in the Home Department, if he is not Senior Chaplain, through the Senior Chaplain of the Church of Scotland. A Chaplain of the Church of Scotland serving in Madras or Bombay must submit his application to the Government of Madras or Bombay, as the case may be, if he is not Senior Chaplain, through the Senior Chaplain of his Presidency. The Home Department, before accepting the resignation of a Chaplain on the Bengal Establishment, or a Chaplain of the Church of Scotland serving in the Bengal Presidency, should obtain a certificate from the Comptroller General, showing the Chaplain's service, residence, and the amount of pension to which he is entitled. If the Chaplain's resignation is accepted, the case should be forwarded to the Finance Department of the Government of India, in which Department a Resolution will be recorded granting the pension to which the Chaplain may be entitled.

41. A Chaplain must retire after twenty-five years' service, unless especially exempted by the Secretary of State, on the recommendation of the Governor General in Council, or, if he belong to the Madras or Bombay Compulsory retirement.

PILOTS.

Invalid pension.

Establishment, of the Governor in Council of his Presidency.

42.* A Chaplain who retires on medical certificate before completing the periods of Residence and Service required by Section 40 will receive an Invalid Pension according to the following scale:—

	£	s.	d.	
If he have completed ten years' Residence . .	173	7	6	a year.
If he have completed seven years' Residence . .	127	15	0	"
If he have not completed seven years' Residence .	63	17	6	"

These allowances are admissible only after a trial of a temperate climate and upon a certificate from the Medical Board attached to the Office of the Secretary of State for India, that the officer is permanently unfit to serve in India.

CHAPTER VIII.

BENGAL COVENANTED PILOT SERVICE AND THEIR FAMILIES.

I.—PILOTS.

Retiring pension.

43. (*a*) After an actual service of 30 years in India, a member of the Bengal Covenanted Pilot Service is entitled to a Retiring pension according to his rank, as follows:—

Rank of retiring officer.	Monthly pension. Rs.
Branch Pilot	200
Any lower rank	100

Proviso.—Not more than four Retiring pensions may be granted in three consecutive years.

Invalid pension.

(*b*) Upon a certificate (in the form prescribed in Section 108) of incapacity for further service from the Medical Board of the India Office, or from the Surgeon-General or Deputy Surgeon-General in Calcutta, or from a Medical Committee over which the Surgeon-General or Deputy Surgeon-General should, when practi-

* As soon as a Chaplain, whether English or Scotch, completes his full period of Service, a statement should be furnished to the Government of India in the Home Department, for transmission to the Secretary of State, showing the date on which the Chaplain completes such service, whether he is in England or in India. It should also be stated whether he is on duty or on leave, and, if the latter, for what period.—(*Home Department's Circular No. 197, dated 30th May 1878*).

Section 41.

(b) *Insert the following as a foot-note under this Section:—*

At least six months before a Chaplain, whether English or Scotch, completes his full period of service, a statement should be furnished to the Government of India in the Home Department for transmission to the Secretary of State, showing the date on which the Chaplain completes such service, whether he is in England or in India. It should also be stated whether he is on duty or on leave, and if the latter, for what period. (Home Department Circular No. 157-9, dated 17th May 1887.)—(185) (Finance Department Order No. 2804, dated 26th May 1887.)

Section 42.

(a) *Add the following to this section:—*

"A Chaplain, who retires on medical certificate after having completed 15 years' residence, will receive an invalid pension of £292 a year."—(174) (Financial Department No. 83, dated 7th January 1887.)

Section 42.

Strike out the foot-note to this Section.—(185) (Finance Department Order No. 2804, dated 26th May 1887.)

Section 41.

After the words "in England" *in the second line of rule 1 under this section, add: -*

"or in the Colonies."—(113) (Finance Department Order No. 3256, dated the 29th September 1885.)

FAMILIES OF PILOTS.

cable, preside, such a Pilot is entitled to an Invalid pension, varying according to his rank, as follows :—

Rank of retiring Officer.	Monthly pension. Rs.
Branch Pilot	200
Master „	100
Mate „	60
Leadsman Apprentice	30

Amount of pension if invalided during leave in England.

44. A Pilot retiring on an Invalid pension while absent on leave in England, will receive the pension of the rank which he held when his leave began, unless he have been promoted within twelve months from that date, in which case he will receive the pension of the rank to which he has been thus promoted.

Rate of exchange for payment in England.

1. The pension of a Pilot who was in the service prior to the 30th August 1883, if drawn in England, is payable at the rate of 1*s.* 11*d.* per rupee. The pension of a Pilot appointed to the service after that date will be paid at the rate of exchange fixed yearly for the adjustment of financial transactions between the Imperial and the Indian Governments.

Compulsory retirement.

45. Except with the special sanction of the Secretary of State, no Pilot, who has reached the age of fifty-five years, shall be appointed to a new office, or shall be permitted to retain any office which he has held for five years and upwards. The word "office" for the purposes of this Section includes "grade."

II.—FAMILIES OF PILOTS.*

Contribution by Pilots.

46. (*a*) Members of the Bengal Covenanted Pilot Service other than those described in Clause (*b*) must

* In despatch from the Marine Department to the Court of Directors, No. 26, dated 3rd August 1842, the Government of Bengal recommended, at the instance of the Marine Board, that pensions on the following scale should be paid from the General Revenues to the widow and orphans of a Pilot lost with any vessel on board of which his duty may have placed him; the pensions to be in addition to those admissible under Section 47:—

Widow of Branch Pilot	Rs. 30	a month.
Ditto Master „	„ 25	„
Ditto First Mate „	„ 20	„
Ditto Second Mate and Volunteer Pilot	„ 15	„
Girls until ten years of age	„ 6	„
Do. after ten years until married	„ 5	„
Boys until fifteen years of age	„ 6	„

The Court of Directors did not, however, sanction the scale, observing in their Marine Department's despatch to the Government of Bengal, No. 6, dated 22nd February 1843, that they thought it preferable that each case should continue to be decided upon according to its merits.

make the following contributions towards the cost of pensions for their widows and orphans :—

Rank of Pilot.	Monthly contribution. Rs.
Branch Pilot	40
Master "	20
Mate "	10
Leadsman Apprentice	4

(*b*) Under a special concession made on the re-organisation of the Service in 1873, the Pilots whose names are entered in Schedule A, by a monthly contribution of Rs. 16 each, secure, for their widows, pensions of Rs. 100 a month, and full pensions for their children.

Pensions to widows and orphans.

47. (*a*) The following pensions are granted to the widows and orphans of Pilots :—

(i) To the WIDOWS of Pilots married before their husbands retired from the service—

	Monthly pension. Rs.
(*a*) To the widow of a Branch Pilot and, excepting as provided in Clause (*b*), of any Pilot whose name is entered in Schedule A	100
(*b*) To the widow of any other Pilot according to the rank of her husband at the time of his death or retirement, as follows :—	
The widow of a Master Pilot	50
" " Mate "	30
" " Leadsman Apprentice	15

(ii) To the CHILDREN of Pilots of all ranks by wives married before their husbands retired from the service—

	Till age of	Monthly pension Rs.
Son	15 years	12
Daughter	10 "	14
	and thereafter till marriage	20

Widow's pension reduced in certain cases.

(*b*) If any Pilot whose name is entered in Schedule A dies or retires before attaining the rank of Branch Pilot, and before his subscription aggregates Rs. 5,000, his widow's pension will be reduced by one-sixth, *i.e.*, to Rs. 83-5-4 a month, until the deficiency is made up.

Pension not admissible in certain cases.

(*c*) A wife married to a Pilot after his retirement from active service and her children are entitled to no pension.

[NOTE.—"Retired," and "Retirement" in this Section mean "retired or retirement on pension."]

Section 52.

After the word "England" *in the third line of this section, add :—*

"or in the Colonies."—(113) (Finance Department Order No. 3256, dated the 29th September 1885)

FAMILIES OF PILOTS.

Certificates of marriage.

48. To entitle widows and orphans to pensions under these Rules, Pilots are to forward to the Port Officer certificates of their marriage, and of the births of their children and their baptisms, within one month after the occurrence thereof. Notices of death are in like manner to be forwarded to the Port Officer.

Forfeiture of widow's pension in certain circumstances.

49. No widow who may have been legally divorced or separated from her husband for adultery, or who, at the period of her husband's demise, may have quitted his protection and be living in a state of notorious adultery, though not divorced or separated from him by law, or who, after her husband's decease, may be living in a notorious state of incontinence, and no female orphan living in such state, shall be entitled to receive, or continue to receive, any pension under these Rules.

Widow's pension remains in abeyance during coverture.

50. If a widow pensioner marries, her pension ceases during her coverture; but, in the event of her again becoming a widow, she is re-admitted to the pension to which she was entitled during her first widowhood, unless her second husband was a member of the Pilot Service, and, at his death, of a higher grade than her first husband, in which case she is entitled to the pension of the higher rank.

Half-yearly declarations.

51. Widows and female orphans above the age of fifteen years are required to forward to the Accountant General's Office declarations, half-yearly, in May and November, that they are not married, and that they have not been married at any intervening period. The declarations are to be countersigned by the Executor to the estate of the deceased member of the Pilot Service, or pensioner, or by the guardian of an orphan, and by a member of the Pilot Service, or a person exercising any of the powers of a Magistrate, or of a Minister of Religion, certifying to the truth of the declaration to the best of their knowledge and belief. Forms of the declaration will be furnished on application to the Accountant General, Bengal.

Rate of exchange for payment of pension in England.

52. The pension of the family of a Pilot who was in Service on the 15th September 1881, if drawn in England, is paid at the rate of 1*s.* 11*d.* the Government rupee. The pensions of the families of Pilots appointed

to the Service after that date will be paid at the rate of exchange fixed yearly for the adjustment of financial transactions between the Imperial and Indian Governments.

Refund of subscriptions.

53. Subscriptions by a Pilot for the purpose of securing pensions for his wife and children are refunded in the event of his resignation or dismissal.

CHAPTER IX.

UNCOVENANTED OFFICERS.

GENERAL RULES.

Removal for misconduct.

54. Pension may not be granted to an officer whom it is desired to remove for misconduct or inefficiency.*

* We often experience great difficulty from the Rules in force not allowing the grant of a pension when, owing to inefficiency, which may, perhaps, not always be his fault, an officer is no longer able to perform satisfactorily the duties required of him.

3. We forward herewith a copy of papers relating to the case of A. B. as an illustration of this inconvenience. After serving Government for about 28 years A. B. was removed for inefficiency, for which he was clearly not to blame.

4. Even the Rules applicable to pension on medical certificate would not always meet such cases; and we should be glad to be allowed to exercise a discretion in granting to officers whom it is desirable to remove from the Service for inefficiency, due to whatever cause, such pension as may in each case seem to us expedient. We should limit such pension, ordinarily, to the amount admissible under Section 113: it would probably be very seldom necessary to grant even so much.

5. What we wish is to be able to discharge, upon some reasonable conditions, an officer whom it is not desired to keep in the public service, but whose conduct has not been such as to justify his dismissal without any provision for his subsistence, or, perhaps, the infliction upon him of any penalty whatever.—*Government of India to Secretary of State, No. 39, dated 17th January 1873.*

I cannot sanction any general arrangement by which pensions not authorised by existing Rules could be granted without reference to the Secretary of State. I shall, however, be prepared to consider any proposal you may make for the grant of a special pension in a case of the nature to which you refer; but such proposed grant should always be made to, and be sanctioned by, me, before any communication on the subject is made to the officer concerned.—*Secretary of State, No. 133, dated 27th March 1873.*

I have considered in Council your Financial letter dated the 7th August 1876, No. 270, reporting the circumstances under which you have decided to dispense with the services of C. D., an Executive Engineer, giving him a gratuity of six months' pay, with a free passage to England or the Colonies.

2. It appears from the papers forwarded with your letter that C. D. has been in the Department about eleven years, but that he has not proved an efficient officer, which may, however, be probably accounted for in some measure by the bad health from which he has suffered, and that the Local Government are of opinion that the most economical course to pursue in his case would be to give him a gratuity, and dispense with his services.

3. You state that there were hardly sufficient grounds for C. D.'s dismissal, while, on the other hand, as the medical report on his case did not declare him to be permanently incapacitated for further service in India, he had no claim, under the

55. An officer of the State Railway Department, who was not in permanent employment in the Department on the 31st August 1881, is not eligible for pension. But the case of any officer transferred from qualifying service to service in the State Railway Department on or after the 1st September 1881 will be specially considered. Service in State Railway Department not ordinarily pensionable.

56. A pension (except a pension granted under Section 119) is fixed in rupees, and not in sterling money, even though it is to be paid in England.* Pension to be in rupees.

57. Service which is pensionable under Military Rules does not count; and an officer who is counting service for Military pension cannot simultaneously count service for Civil pension. Service under Military Rules.

Example.—An officer of the old Indian Navy in civil employ cannot count his naval service.

Exceptions. (1). Military Hospital Assistants and Enlisted Native Doctors are excluded, by this Section, from pension under this Chapter; but a Military Hospital Assistant or Native Doctor, promoted to be an Assistant Surgeon, or who, under Resolution in the Home Department, No. 16, dated 9th January 1878, is transferred to the civil branch of the Subordinate Medical Service, counts service retrospectively from the date on which he passed his examination as Hospital Assistant, irrespective of the particular age at which the examination may be passed, the rule in the first clause of Section 67 regarding the age at which Superior service qualifying for pension ordinarily commences being inoperative in his case. Exceptions.

or Native Doctor as the case may be

(2). Inspectors in the Telegraph Department who came from England as Artificers in 1853, and did not take their discharge from the Army till about 1863, count their departmental service.

(3). In the Public Works Department, Warrant Officers in the grades of Conductor and Sub-Conductor and Non-Commissioned Officers must, when promoted to the Engineer establishment take their discharge from the Army, and their whole departmental service then qualifies retrospectively.

(4). A Non-Commissioned Officer or private soldier in civil employ, who took his discharge from the Army before the 1st November 1873, or, if he was in the Public Works Department, before the 1st November 1874, counts his whole civil service. A native soldier employed in the Public Works Department, if he

Pension Rules, to any gratuity on removal from the Service, and that it appeared to you to be more advisable to dispense with his services on the terms above referred to than to retain him in the Department, even in reduced position.

4. Your proceedings are confirmed.—*Secretary of State, No. 369, dated 5th October, 1876.*

* I cannot authorise a violation of the Rule under which all Indian pensions are fixed in rupees, and therefore I am unable to sanction the grant of a pension of £ (*x*) to A. B.—*Secretary of State, No. 344, dated 25th October 1877.*

took his discharge from the Army before the 31st December 1875, counts his whole civil service; otherwise, a Non-Commissioned Officer or soldier, whether attached or unattached, cannot count service for civil pension until, with the consent of his civil departmental Superior, he is discharged from the Army, when he may count his civil service for one year retrospectively.

[NOTE.—This Rule does not apply to soldier-clerks in military offices. (See *G. G.O. in the Military Department, No. 1292, dated 22nd December 1875.*) But if such a clerk is afterwards employed in the civil department, he may count his service in the military office, provided that he takes his discharge within twelve months after joining his appointment in the civil department.]

(5). An Enlisted member of the Bombay Corps of Guides transferred as a draftsman to the office of the Quartermaster General, Bombay Army, counts his service in the Guide Corps as if it had been in civil employ.

Military service may count in certain cases.

1. The Government of India may, in special cases, allow service which is pensionable under Military Rules to count for pension on the Inferior scale, reporting such grants periodically to the Secretary of State.

Cumulative pensions inadmissible.

58. An officer cannot earn two pensions in the same office at the same time, or by the same continuous service:

Example.—A soldier who obtains his discharge from the Army under *Exception* (4), Section 57, is not entitled to any pension in the Military Department for the portion of his military service which he will thereupon count as civil service.

Two claims for one office inadmissible.

59. Two officers may not simultaneously count service in one office.

Persons paid for Specific Services.

60. Pension is not earned by a person whose whole time is not retained for the public service, merely because he is paid for work done for the State:

Example.—This Rule applies, among others, to the following officers:—Advocate-General, Solicitor to Government, Government Pleaders and Law Officers not debarred from private practice, Sheriffs in Presidency Towns, Coroners, Roman Catholic Priests.

Officers holding non-pensionable offices in addition to pensionable offices.

61. A public servant who holds some other pensionable office earns no pension in respect of an office of the kind mentioned in Section 60 or in respect of duties paid for by a Local Allowance.

Service under covenant.

62. Service under a covenant which contains no stipulation regarding pension does not qualify, unless the Government of India specially authorises an officer to count such service.*

* I have considered in Council your Financial letter, dated the 4th June last (1877), No. 155, regarding the insertion in contracts with mechanics and others

Section 57.

Add the following as Exception (6) to this Section :—

"(6) The pension of a Native soldier placed on the Unattached List for employment in the Civil Department under the provisions of G. G. O. No. 260 of 1865, G. O. C. C. No. 289 of 1867, India Army Circular, clause 126, of 1881, and India Army Circular, clause 100, of 1885, is a Civil or a Military charge, according as the greater portion of the soldier's service is in the Civil or the Military Department."—(102) (Finance Department Order No. 2779, dated the 2nd September 1885.)

Section 65.

Strike out the following words in lines 4 and 5 of this section :—

or in the Bengal Presidency as a Supernumerary Assistant Surgeon."—(41) (No. 2039, dated the 12th December 1884.)

Section 66.

After the words "Coopers Hill" *in line 4 of the note under this Section, add* "or a Forest Officer."—(45) (No. 2242, dated the 18th December 1884.)

Section 67.

Add the following as an exception under this Section :—

"Signallers in the Telegraph Department may count towards pension service rendered by them after they attain the age of 18 years."—(72) (Finance Department No. 435, dated 24th April 1885).

63. An officer who is appointed for a limited time only, or for a specified duty, on the completion of which he is to be discharged, has no claim to pension. Service for a time only.

64. The service of a person employed temporarily on monthly wages without specified limit of time or duty does not qualify; but a month's notice of discharge should be given to such a person, and his wages must be paid for any period by which such notice falls short of a month. Service temporarily on monthly wages.

65. Service as an Apprentice (excepting (1) at the Central Forest School in continuation of qualifying service, or (2) as an Engineer Apprentice in the Public Works Department) ~~or, in the Bengal Presidency, as a Supernumerary Assistant Surgeon~~, does not qualify. Service as an apprentice.

66. Unless it be otherwise provided by special Rule or Contract, the service of every officer begins when he takes charge of the office to which he is first appointed. Beginning o service, ordinarily.

[NOTE.—In every covenant with an officer appointed in England by the Secretary of State, not being a Covenanted Civil Servant or a Civil Engineer or Telegraph Officer educated at the Royal Engineering College, Coopers' Hill, a clause is inserted to the effect that service for leave and pension begins only from the date on which the officer joins his first appointment in India.] or a Forest Officer

67. Except for Compensation gratuity, Superior service by an officer whose age is less than twenty-two years does not qualify. But officers described in Schedule B excepting Class III (2) (*b*), and all officers appointed in England by the Secretary of State for service in India, are exempt from this disability. Service begins after or before the age of 22 years: Exceptions.

(a) **68.** (*a*) If an Officer of Class I in Schedule B, lands in India on or before the 1st December of the year in which he passes out of College, his service counts from

engaged in England for service in India, of a clause stipulating that their service under covenant shall, if the Government of India think fit to re-engage them, count as service towards leave and pension under the Uncovenanted Service Rules.

2. Your Government are of opinion that the arrangement should apply to all such persons engaged under covenant or contract in England for the public service in India under all circumstances, and for all Departments, and you express a desire that the covenants should "be carefully worded, so as to preserve inviolate the indefeasible right of the Government to modify either Leave or Pension Rules from time to time at their discretion, so that no claims may arise to the benefits of either Code of Rules as it stood at the date when any particular covenant was executed."

3. Covenants with mechanics and others engaged for service in India will, accordingly, in future, be prepared, containing provisions to the effect recommended by your Government.—*Secretary of State, No. 255, dated 26th July 1877.*

SERVICE UNDER GOVERNMENT.

the preceding 1st October, unless another date should be specified in his letter of appointment.

(*b*) If an officer of Class I in Schedule B is, after completing his three years' residence at College, required to go through a course of practical engineering in England under a Civil or Mechanical Engineer, his service, unless another date should be specified in his letter of appointment, will reckon from the commencement of the practical course, or from such later date as will be consistent with the regulation that he may count as service towards pension the time spent on such practical course to the extent of one year only.

(*c*) The service of an officer of Class I in Schedule B, whose case is not provided for in clause (*b*), and who does not land in India by the said 1st December, and that of an officer of Class II or III (1), counts from the date on which he landed in India.

(*d*) The service of an officer appointed to the Telegraph Department, after training or competitive examination by the Court of Directors or the Secretary of State, begins as follows:—

If appointed by—	*Service begins on date of—*
Court of Directors	arrival in India.
Secretary of State—	
(*a*) after competitive examination .	covenant.
(*b*) after training at the Royal Engineering College at Coopers' Hill.	~~embarkation in vessel selected by Secretary of State, or arrival in India by any other vessel.~~

Full pension not to be granted as a matter of course.

69. The full pension admissible under the Rules is not to be given as a matter of course,* or unless the service rendered has been really approved.—(See *Secretary of State's Despatch No. 174, dated 30th September 1863, printed at foot of page 64.*)

Reduction.

1. If the service has not been thoroughly satisfactory, the Local Government should make such reduction in the amount of pension as it thinks proper.

QUALIFYING SERVICE.

FIRST CONDITION.—SERVICE UNDER GOVERNMENT.

Service under Government.

70. The service of an officer does not qualify unless he is appointed, and his duties and pay are regulated by

* The full pension admissible under the Code is not to be given as a matter of course, but rather to be treated as a matter of distinction.—(*Secretary of State, No. 319, dated 21st August 1879.*)

Section 68 (d).

Substitute the following for the remarks opposite (b) under head "Service begins on date of":—

"Sailing of vessel selected by Secretary of State, or 1st October in the year of passing out of the College, whichever is named in his letter of appointment, provided he reaches India within two months of that date or other approximate date named in his letter of appointment; otherwise from date of arrival in India: except in the case of officers appointed from the years 1883 to 1885, both inclusive, whose service will reckon from date of appointment, *i. e.*, date of passing out of College, provided they arrive in India by the vessel in which they were ordered to embark, or within two months of the date on which such vessel was advertised to sail, or other approximate date named in their letter of appointment; otherwise from date of arrival in India."—(25) (No. 2234, dated 17th July 1884.)

SERVICE UNDER GOVERNMENT.

the Government, or under conditions determined by the Government.

1. The service of a native accountant appointed to a Silladar Regiment in the Bombay Presidency on or after the 6th February 1875 does not qualify. Accountant, Silladar Regiment.

2. The following are examples of officers excluded from pension by this Section:—A Marine officer paid by fees fixed by the Board of Trade; Officers of a Municipality; Officers of grant-in-aid schools and institutions (*e.g.*, the Asiatic Society, and the Canning College at Lucknow); Subordinates appointed by Treasurers on their own responsibility, *e.g.*, Tahvildars in the North-Western Provinces, and Fotadars (Money-testers) in Bengal. Office under Board of Trade. Municipalities. Grant-in-aid schools and institutions. Treasurers' subordinates.

3. The Educational authorities in Bengal having induced certain Teachers of Government institutions to accept service in Grant-in-aid schools by declaring a Rule regarding Bombay schools (*Section 84, Case* (*c*) to be applicable to their case, were directed, in December 1863, to offer to these Teachers re-employment in Government schools. Those of them who accepted such re-employment reckon their service (not exceeding three years) in Grant-in-aid schools as service under Government. Certain exceptional Bengal grant-in-aid schools.

4. The service of a Teacher appointed before the 29th January 1876 to a District or Anglo-Vernacular school in the Central Provinces who is paid, wholly or partly, by the contributions of Municipalities or local subscriptions qualifies. Schools in Central Provinces.

5. The service of the officers of the Bengal Secretariat Press, who, before August 1868, were paid partly from savings by the reduction of the copying staff of the Secretariat and partly from subscriptions to the *Calcutta Gazette*, qualifies. Printing Department, Bengal Secretariat.

71. Service on an establishment paid from a Contract Establishment Allowance, with the detailed distribution of which the Government does not interfere, does not qualify whether such contract allowance is a fixed amount or consists of fees. Contract establishment.

[NOTE.—The establishments of the Subordinate Judicial Officers, including Munsifs in Bengal and the North-Western Provinces, ceased to be paid from a contract allowance from May and June 1861 respectively.]

1. The maximum Establishment allowance for Registration offices in Bengal is not a contract allowance within the meaning of this Section, because the Inspector General of Registration, under the orders of Government, regulates its distribution, and any balance unspent is saved to Government. Registration offices.

2. The service of the clerks retained in the Allahabad Pension Pay office, when it became a regular establishment, qualifies, although they were formerly paid from an Establishment allowance. Allahabad Pay office.

72. Service on an establishment paid from the Household allowance of the Viceroy, or of a Governor Service paid from household allowances.

PERMANENT AND SUBSTANTIVE EMPLOY.

or Lieutenant-Governor, does not qualify. (*But see Rule 2 under Section 87.*) But the Governor of Bombay is authorised to grant pensions and gratuities at his discretion to the domestic servants in the Government House establishment retiring from the service, or to the families of such retired domestic servants after their decease, provided that the amount of such pensions and gratuities paid in one year ending 31st March shall not exceed Rs. 1,320.

Service under employers supplanted by Government.

73. In the following cases service under an employer to whose position Government has succeeded qualifies:

Berar and Mysore.

(*a*)—Service in Berar and in Mysore by officers transferred to the Government of India when it undertook the administration of those Provinces.

Service under Native States.

(*b*)—Service rendered to a Native State, and continued to the British Government, on the lapse or annexation of the State, when old age or infirmity renders the officer a fit object for pension.

Talukdari schools, Oudh.

(*c*)—Service, in Superior grades, in Talukdari schools which were converted into Government schools on the organisation of the Educational Department in Oudh.

Military Funds.

(*d*)—Service by officers who were on the establishments of the Military and Medical Funds when the Funds were taken over by Government.

Soldiers of Sikh Darbar.

(*e*)—Service was guaranteed to the soldiers of the Sikh Government, who, on annexation, entered the British service in the following Regiments:

The 1st, 2nd, 3rd, and 4th Punjab Police Battalions.
The 3rd Punjab Light Field Battery.
The 4th or Garrison Company of Artillery.
Two companies of Punjab Sappers.

In accordance with the guarantee, such soldiers who, on the 28th October 1861, were in employment in any Department, are entitled to receive pension for their service under the Sikh Darbar and for that under the British Government under the Rules for Invalid pensions to soldiers in Local or Irregular Corps.

QUALIFYING SERVICE.

SECOND CONDITION.—PERMANENT AND SUBSTANTIVE EMPLOY.

Service, permanent and temporary.

74. Service does not qualify unless the officer holds a substantive office on a Permanent Establishment; but, upon such conditions as it may think fit, in each case, to impose, the Government of India may allow

Civil Pension Code.

Page 35.

Section 74, Rule 4.

Substitute the following for the Note under this rule:—

NOTE.—Police probationers and temporary and officiating Assistant Superintendents of Police in all Provinces count their service towards pension, provided they have passed their examinations, have served two years in the Department, and have attained the age of 22 years.—(138) (Finance Department Order No. 397, dated the 23rd April

tions, has served two years in the Department, and has attained the age of 22 years."—(75) (Finance Department No. 848, dated 15th May 1885.)

PERMANENT AND SUBSTANTIVE EMPLOY.

temporary service to count for pension, if the pension does not exceed ten rupees a month.

Service in establishment entertained periodically each year.

1. An establishment the duties of which are not continuous, but are limited to certain fixed periods in each year, is not a temporary establishment. Service in such an establishment, including the period during which the establishment is not employed, qualifies; but the concession of counting as service the period during which the establishment is not employed, does not apply to an officer who was not on actual duty when the establishment was discharged, after completion of its work, or to an officer who was not on actual duty on the first day on which the establishment was again re-employed.

Transfer from temporary establishment.

2. Service in an office which, although at first created experimentally, or temporarily, eventually becomes permanent, qualifies; but this Rule does not apply to the case of an officer who is entertained temporarily in one appointment and afterwards transferred to another substantive appointment.

Officiating service in vacant office.

3. An officer without a substantive appointment officiating in an office which is vacant, or the permanent incumbent of which does not draw any part of the pay or count service, may, if he is confirmed without interruption in his service, count his officiating service.

Probationer.

4. The service of a probationer who holds a substantive office and draws substantive pay, qualifies. So does that of an officer who is on probation for a substantive office, if he is employed in a vacancy reserved for him, pending probation, and in which no other officer simultaneously counts service; but the service of an officer in the Traffic Department of a State Railway before he passes the test examination does not qualify.

~~*Exception.*~~—In the case of the Probationers ~~for the Police~~ Department of the ~~Bombay Presidency~~ whose appointments were sanctioned by ~~order in the Home Department~~ No. 287, dated 17th ~~September~~ 1881, the service as Probationer ~~will not count.~~ (a)

5. In the State Railway Revenue Establishment, the different classes of service are as follows:—

(a) *Permanent pensionable*, that is—

Service in all permanent appointments made before 1st September 1881, and service of officers such as Civil Engineers and members of the Engineer and Upper Subordinate Establishment, who may be transferred to the Revenue Establishment as Managers, &c., even after 31st August 1881.

(b) *Permanent non-pensionable*, that is—

Service in all permanent appointments made after 31st August 1881, except as allowed for in clause (a).

PERMANENT AND SUBSTANTIVE EMPLOY.

(c) *Temporary*, that is—

Service in appointments made from time to time for periods not exceeding six months according to the requirements of traffic.

(d) *Special service*, that is—

Service of engine drivers, firemen and mehanics, &c., under covenant with the Secretary of State.

Subordinate State Railway servants.

6. A Subordinate officer transferred from the temporary to the permanent Revenue Establishment of a State Railway may, with the sanction of the Local Government, count the whole or a part of so much of his temporary service as immediately preceded his qualifying Service, without interruption.

Service in State Railway under construction.

7. Service in an office or petty establishment of a State Railway under construction, except in the case of an officer transferred from qualifying service, does not qualify. But an officer who, before the 21st July 1880, was transferred from service in one State Railway under construction to that in another State Railway under construction, is allowed to count service in each such Railway.*

Permanent officer deputed.

75. If an officer on a Permanent Establishment is detached on Temporary Duty, on the understanding that,

* All members of the office and petty establishments of State Railways *under construction* will be regarded as temporary servants, unless they were originally transferred from a permanently sanctioned post not being a post on a railway when under construction. They will not be eligible for pension, and they will be liable to discharge whenever their services are no longer required, after one month's notice, as provided for in Section 64 of the Civil Pension Code.

2. As regards officers who were originally transferred to railways under construction from permanently sanctioned posts, not attached to railways under construction, the pensionable service of such officers is in no way prejudiced by their fresh employment, and they will continue to enjoy their right to pension, even if transferred from the line on which they are at present engaged to another line also under construction.

3. As regards officers whose service has been solely on lines under construction, and who have been transferred from another line under construction to the work to which they are at present posted, the service of such men is to be treated as pensionable till the work on which they are engaged is completed. On that date their pensionable service ceases, and if their services are then dispensed with, they may be paid the pension or gratuity to which they are entitled. If re-employed on another line under construction, their services in the new appointment will not be pensionable.

4. As regards officers whose service under Government began on the line on the construction of which they are still engaged, their service is pensionable only up to the date, July 21st, 1880, of the issue of Public Works Department Circular No. 15, Railway. Service subsequent to that date, though in the same capacity, and on the same line, will be non-pensionable, and if entered in the officer's service-book, must be shown as such. Officers whose service, under this Rule, changes from pensionable to non-pensionable, cannot claim their pensions till the work on which they are engaged is completed.

5. The service of all officers engaged for a line under construction since 21st July 1880 is temporary and non-pensionable.—(*Circular in the Public Works Department, No. 5 (Railway), dated 26th January 1881.*)

Section 75, Rule 2.

Strike out the words—" or to the Staff Corps."

(11) (*No. 1170, dated 23rd May 1884.*)

PERMANENT AND SUBSTANTIVE EMPLOY.

when the Temporary Duty ceases, he will return to the Permanent Establishment, he counts his detached service.

Explanation.

1. This Section permits the temporary suspension of the second condition of qualifying service which forms the subject of Sections 74 to 79; it does not authorise any relaxation of the first condition (which is the subject of Sections 70 to 73), or the third condition (which is the subject of Sections 80 to 91), and, in particular, must not be understood to countenance any modification of the Rules in Chapter III, which apply to an officer on Foreign service.

Service as Private Secretary to Governor General or Governor.

2. Service as Private Secretary to the Governor General, a Governor or a Lieutenant-Governor, qualifies, provided that the officer belongs to the Covenanted Civil Service ~~or to the Staff Corps,~~ or belonged, before his appointment as Private Secretary, to the Uncovenanted Service.

Employment on special duty on abolition of substantive office.

76. If the Substantive office of an officer is abolished within the meaning of Section 104, but the officer is, at the time, on special duty, or is, on abolition of his office, deputed on special duty, his service on special duty qualifies.

Character of special duty.

1. The duty must be *special;* mere employment, in continuation of permanent employment, in a temporary appointment which happens at the time to be vacant, does not qualify.

Marine officer on subsistence allowance or acting employ.

2. The service of an officer of the Marine Service continues to qualify when, upon the abolition of his appointment, he is retained on subsistence allowance or in an acting appointment.

Press-servants and Section-writers.

77. A Section-writer, or a Press-servant, who is paid for piece-work, is treated as having held a substantive office, if—

(1) he is employed, not casually, but as a member of a fixed establishment; and

(2) during the last seventy-two months of his actual employment he has been attached to one office uninterruptedly for twenty-four months, or it has not been through his own choice or misconduct that he has not been so attached.

Exceptions.

78. In the following cases Temporary Service qualifies:—

Medical charge of Government vessel.

(*a*)—A Medical officer in charge of a Government vessel may count his service afloat, if he is transferred, without interruption of his service, to the Uncovenanted Medical Service.

"Works" establishments, Public Works Department.

(*b*)—A claim by an officer of the Public Works Department whose pay was charged to "Works," before the issue of the Circular Order in the Public Works Depart-

SOURCE OF REMUNERATION.

ment, No. 6 of 1862, but whose employment was really permanent, will, if the sanction to his entertainment was regular, be specially considered by the Government of India.

Preventive Service, Calcutta.

(c)—If the Collector of Customs in Calcutta, in transferring an officer from the Extra or Contingent List of the Calcutta Customs Preventive Service, declares that the transfer is made on the ground of good service rendered, the service of the transferred officer on the Extra or Contingent List qualifies.

Settlement and Survey Departments.

Purely temporary employ.

79. (*a*) Service in the undermentioned Settlement and Survey Departments which are (or were) on a quasi-permanent footing, qualifies, provided that the officer is (or was) not engaged on the understanding that his appointment is (or was) only temporary, or that he was, or would be, liable to be discharged after a short period of service :—

The Settlement Departments in Madras, the North-Western Provinces, Oudh, British Burma, and the Punjab. The Revenue Survey Departments in Bengal, Madras, and Bombay. The establishments of the Inam Commissioners of Madras and Bombay. The Alienation Settlement Department in Bombay.

(*b*) Elsewhere (and in those Provinces also, except in the Regular Departments), Settlement and Survey work is Temporary Service, and does not count. But if service in the Settlement Department in any Province, the Survey of India, or in the Malabar Escheat Establishment, Madras, is followed, without interruption, by qualifying Service, it qualifies.

Gazetted officers.

1. Deputy Collectors and similar Gazetted officers, when not especially employed for temporary work, are not affected by this Rule, as they count service independently of the particular Department to which they happen for the time to be attached.

QUALIFYING SERVICE.

THIRD CONDITION.—SOURCE OF REMUNERATION.

Specification of sources.

80. Service which satisfies the conditions prescribed in Sections 70 to 79, qualifies, or does not qualify, according to the source from which it is paid.

Political Agencies.

1. Officers on the establishments of Political Agencies are exempt from this condition. But when a Political Agency is established at the charge of a Native State, every member of the establishment, Covenanted or Uncovenanted, must pay to the British Gov-

(a) A

Section 82.

Insert the following Exception under this Section :—

"*Exception* (1) & Central Gardens—Service in Dak Bungalow establishments does not qualify."—(105) (Finance Department No. 2899, dated the 9th September 1885.)

Section 82.

Insert the following as Exception 2 under this section, the present Exception being numbered as Exception 1 :—

Exception 2.—The service of a Patwari in the North-Western Provinces and Oudh does not qualify.—(197) (Finance Department Order No. 3599, dated 5th July 1887.)

SOURCE OF REMUNERATION.

ernment, in respect of his pension and absentee allowances, a contribution equal to what would be levied from him under Section 9 if Section 8 applied to him.

[NOTE.—This condition was ordered, on the 30th December 1871, to be introduced gradually, whenever existing arrangements were revised. Officers of the Rewah Political Agency then already paid 6 per cent.]

Railway Police.

2. Members of Office establishments in the Railway Police in Bombay, who are wholly paid by the Railway Companies, are also exempt from this condition.

Service how paid.

81. Service is paid as follows :—

FROM THE GENERAL REVENUES.

FROM LOCAL FUNDS.

FROM FUNDS IN RESPECT OF WHICH THE GOVERNMENT HOLDS THE POSITION ONLY OF A TRUSTEE.

BY FEES LEVIED BY LAW, OR UNDER THE AUTHORITY OF THE GOVERNMENT.

BY COMMISSION.

BY THE GRANT, IN ACCORDANCE WITH LAW OR CUSTOM, OF A TENURE IN LAND, OR OF ANY OTHER SOURCE OF INCOME, OR RIGHT TO COLLECT MONEY.

Paid from General Revenues.

82. Service paid from the GENERAL REVENUES qualifies :

Process-serving establishments.

1. The Service of Process-servers (or Naib Nazirs who were paid from the same source as Process-servers), before the Court Fees Act, 1870, was passed, qualifies as follows :—

In BENGAL—
Service paid from the Fund formed under Act V of 1863, Bengal Council.

In the NORTH-WESTERN PROVINCES—
(*a*)—Service under the Civil Courts after 31st December 1863.
(*b*)—Service under the Revenue Courts after 31st December 1865.

In OUDH, the CENTRAL PROVINCES, and BRITISH BURMA—
All Service.

In the PUNJAB—
Service after 14th March 1859.

In BOMBAY—
Service paid from the Amíns' Fee Fund.

In BERAR—
Service paid from the Talabana Fund.

[NOTE.—In Madras, the Service of Process-servers, before their appointment under the Court Fees Act, 1870, did not qualify.]

CHAP. IX.

Uncovenanted Officers. Qualifying Service.

SOURCE OF REMUNERATION.

Berar and Mysore.

83. Pensions for service paid, wholly or partly, from the Revenues of Berar, are charged to that Province wholly, or according to the Rule of Proportions, as the case may be.

Hyderabad Contingent.

(a) [NOTE.—Pensions granted to officers and men of the Hyderabad Contingent under Military Rules are charged to the revenues of Berar by the same Rules.]

General Revenues recouped from other sources.

84. The service of an officer appointed, controlled, and paid by the Government counts, notwithstanding that the cost of his appointment may be defrayed, wholly or in part, otherwise than from the General Revenues.

The following cases fall under this Rule:—

Shipping Master.

(*a*)—The Shipping Master and Deputy Shipping Master, and their establishments, at Bombay, and the Deputy Shipping Master in Calcutta, the cost of which offices is provided for by shipping fees.

Húghly and Elphinstone Colleges.

(*b*)—The establishment of the Húghly College and Collegiate Schools, while the cost thereof was borne by the Mohsin Trust Fund, and also that of the Elphinstone College and High School, the cost of which is recovered from a private endowment.

Bombay schools on old system.

(*c*)—Masters and Assistant Masters in schools established in Bombay on the old system (converse to the Grant-in-aid system) whose pay was met in part by local contributions. The pension in this case is reckoned only on the share of pay paid by Government.

Sehor School.

(*d*)—The establishment of the Sehor (Bhupal) School, the expense of which is paid in part by local subscriptions.

Customs establishments, Bombay.

(*e*)—The following Customs establishments in Bombay, the cost of which is paid for by private Companies:—

Name of establishment.	Monthly cost.			Name of Company re-imbursing to Government.
	Rs.	A.	P.	
1. P. and O. Company's Dockyard at Mazagon	372	8	0	P. and O. Company.
2. B. I. S. N. Company's Dockyard at Mazagon	213	0	0	British India Steam Navigation Company.
3. The Arthur Bunder Colaba Press .	40	0	0	Messrs. Bean, Ashley and Company.
4. The Arthur Bunder Fort Press .	59	0	0	Messrs. Knoop and Company.

Section 83.

Add the following to this Section :—

" In the case of officers who, having no status in the service of the British Government, apart from their particular employment in Mysore, were employed in Mysore and transferred to the British service proper before 1st October 1882, the pensions granted are charged according to the rule of proportions.

" Pensions for service in Mysore prior to 1st October 1882 of officers who had a status in the service of the British Government, apart from their particular employment in Mysore, are paid wholly from British Revenues."—(52) (No. 201, dated the 14th January 1885.)

(b) Add the following to the list of cases under this Section :—

" (*i*) The office establishment of the Health Officer ofthe Port of Bombay and the crew of the boat placed at the disposal of that officer, a portion of whose pay is paid by the Bombay Port Trust." —(121) (Finance Department Order No. 3912, dated the 6th November 1885.)

Section 85.

Strike out the following words in the note under this Section :—

" Nor does Rule 1, under Section 86, apply to an Excluded Local Fund."—(61) (Finance Department No. 1140, dated 6th March 1885).

Section 86.

(c) Add the following at the end of this section :—

and may itself do so, in the case of such funds under its own direct administration.—(197) (Finance Department Order No. 3599, dated 5th July 1887.)

(a)

Section 86.

Add the following note to this Section :—

NOTE.—The same procedure should be observed in the grant and payment of pensions for service treated as qualifying under this section, as is prescribed for pensions payable from General Revenues.—(67) (Finance Department No. 1596, dated 27th March 1885).

SOURCE OF REMUNERATION. Special Police.

(*f*)—When Police Officers are entertained at the cost of individuals and corporate bodies under Sections, 13, 14, and 15 of Act V of 1861 of the Governor General of India in Council, or under Sections 14, 15, and 16 of Act VII of 1867 of the Governor of Bombay in Council, an additional charge of one-sixth of the pay of officers whose pay is not less than Rs. 100 a month, and of one-twelfth of the pay of others, must be defrayed by the persons for whose benefit the officers are employed, provided always that the additional charge shall not be made when such officers do not belong to the regular Police, but are only temporarily engaged, their service not counting for pension; or when the pay of the officers is a charge upon the Public Treasury.—(*See Section 141* (*b.*)).

Jail writers, Bombay.

(*g*)—Second Writers and Darogahs on Jail Establishments in the Bombay Presidency.

Book-keeper, High Court, Bombay.

(*h*)—A Book-keeper of the High Court at Bombay, whose pay is provided for by a three per cent. commission on invested funds.

Paid from Local Funds.

85. Service paid from an Excluded Local Fund does not qualify; but this Rule shall not be held to prohibit the grant and payment of pensions under the general Rules of this Code by the authorised administrators of any such Fund. The Government is in no way responsible for the sanction or continuance of such pensions, and no standing order for their payment may be issued to, or received by, any Government Treasury.

[NOTE.—Sections 129 to the end of the Code do not apply to these pensions. ~~Nor does Rule 1 under Section 86 apply to an Excluded Local Fund.~~]

Port Funds.

Exception.—This Section does not apply to establishments paid from Port Funds managed by Government: service in such establishments is treated as qualifying, provided that pension for service under a Port Fund is paid by the Port Fund, the rule of proportions being applied in the case of service paid partly from the Port Fund and partly from other sources.

Discretional power of Government.

86. Subject to any provisions of law applicable to the case, the Local Government may allow the Trustees, Committee, or Managers of an Incorporated Local Fund to treat service paid therefrom as qualifying(c)

(a) 1. With the permission of the Government, the Trustees, Committee, or Managers of any Local Fund may purchase from the Post Office (Life Assurance Branch) a pension or annuity for any of their servants. Provided that such pension shall not exceed the amount which the servant might have obtained if his service had been paid from the General Revenues.

Purchase of pension on behalf of a Local Fund employé.

CHAP. IX.

Uncovenanted Officers. Qualifying Service.

SOURCE OF REMUNERATION.

Pensions charged against Fund.

87. Pensions for service paid from an Incorporated Local Fund must be paid from the Local Fund.

Mixed service.

1. When part of the pensionable service of an officer has been paid from the General Revenues and part from Incorporated Local Funds, his pension is paid according to the Rule of Proportions: the pensionable Local Fund service may not be neglected, and a pension awarded only for the service paid from General Revenues. Provided that, if, under this Rule, less than one-fourth of the pension would be payable from either source, no distribution shall be made; in such case the other source shall bear the whole charge.

Viceroy's household establishment.

2. If an officer has served partly (in a capacity which would have given him claim to pension if the service had been paid from the General Revenues) on the Household Establishment of the Viceroy, and partly on establishments paid from the General Revenues, he is entitled, from the General Revenues, to a share of any pension to which he would have been entitled if his whole service had been paid from the General Revenues, proportionate to the length of the service which has been so paid:

Example.—A. B., a Messenger on a pay of Rs. 8 a month, has served altogether 32 years, of which 16 years were passed on the Household Establishment of the Viceroy. If A. B.'s whole service had been paid from the General Revenues, he would have been entitled under Section 121 (*b*) to a maximum pension of Rs. 4 a month. A. B. will receive from the General Revenues a maximum pension of Rs. 2 a month.

Pension Funds.

3. The Government does not guarantee the solvency of Funds (such as the Local Educational Pension Fund, Bombay) formed by the subscriptions of Local Fund Officers, and established to provide pensions for the subscribers thereto.*

Exceptions to general rule.

88. In the following cases, service paid from Local Funds qualifies:—

Cotton Frauds Establishment, Bombay.

(*a*)—Public officers transferred to Establishments under the Cotton Frauds Act, Bombay, before the receipt of the Secretary of State's Despatch to the Government of India, No. 302, dated 16th December 1864, which directed their early re-transfer to the regular service.

Lithographic Press, Calcutta.

(*b*)—Officers of the Lithographic Press, Calcutta, transferred with it to the Alipur Jail in January 1860, and afterwards paid from the Convict Labour Fund.

Public Works Engineers lent to Local Funds.

(*c*)—Members of the Regular Public Works Establishments employed, under the authority of the Local Government, on Local Funds works. From the 10th January 1872, this permission was restricted to Engineer Officers.

Muharars in Honorary Magistrates' Courts.

(*d*)—Muharirs attached to the Court of any Honorary Magistrate in the Central Provinces and paid from Municipal Funds.

(a)

* See Appendix C, Extract 1.

Section 93.

(a)

Add the following as a footnote to "Daftaries" *in the list under this section :—*

But service as 'Daftari' on Rs. 20 a month in the Baroda Residency between 1855 and 1873 counts as superior."—(73) (Finance Department No. 648, dated 6th May 1885.)

Section 93.

Insert the following after "Stipendiary Village Accountants" *in the List under this Section :—*

("including those paid according to 'Wingate's scale')."—(99) (Finance Department No. 2296, dated the 4th August 1885.)

89. Service paid from FUNDS WHICH GOVERNMENT HOLDS ONLY AS A TRUSTEE, such as under a Court of Wards or in an Attached Estate, does not qualify. Paid from Trust Funds.

90. (*a*) Service in an OFFICE PAID ONLY BY FEES, whether levied by law or under the authority of Government, or by a commission, does not qualify. Paid by fees or commission.

(*b*) Service in an office paid by fees or by commission, in addition to pay from the General Revenues, qualifies.

1. Service as Administrator General, or as Official Assignee, does not qualify, even though (as in Madras and Bombay) the income from fees or commission is supplemented from the General Revenues. Administrator General, &c.

2. Sheriffs (Nazirs) on the establishments of Civil or Revenue Courts, who were paid, wholly or partly, by fees, are entitled to pension, unless the establishment on which they have served is excluded by Section 71. Nazirs paid by fees.

3. Service as a Thoogyee (local collector of revenue paid by commission), in Burma, qualifies. Thoogyees.

91. Service paid by the grant, in accordance with law or custom, of a tenure in land, or of any other source of income, or right to collect money, does not qualify. Paid by a tenure in land.

Exception.—An officiating Hereditary District Officer in Kaira appointed under Act XI of 1843, if transferred to qualifying service, counts his previous service. A Watandar of the Godhra Taluka in the Panch Mahals employed as a stipendiary Karkun in continuation of service as Watandar, counts such previous service. Kaira hereditary officers.

SUPERIOR AND INFERIOR SERVICE.

92. Qualifying service is divided into SUPERIOR and INFERIOR.

93. Service on pay not exceeding Rs. 10, and service in the following capacities, or in any office which has been graded as Inferior by the rule or practice of the Local Government, is INFERIOR SERVICE :— Inferior service.

Artificers, other than those specified in Section 94, Rule 1, Handicraftsmen, and Labourers.
Bázárs: Cháudharies of—
Daftaries and Muchies.
Dockyard and Military Artificers not specially provided for in Section 120.
Forest Guards.
Maistries in the Public Works Department on pay less than Rs. 25.
Menial and inferior servants of all sorts.
Messengers, Orderlies, and Peons, and their petty officers.
Money-testers (Fotadárs).
Pressmen (including Machine Pressmen) and Distributors in printing and lithographic establishments.
Priests, and other officers employed to administer oaths.
Sarkárs—except Counting Sarkárs in the Stamp Office, Calcutta.
Seamen and Boatmen.
Shroffs whose pay does not exceed Rs. 15.
Stud Department: Cultivators in the—
Stipendiary Village Accountants, Bombay, whose offices are not hereditary.
Turnkeys.
Weighmen in the Mints whose pay does not exceed Rs. 15.

[NOTE.—Sirdars and Lascars of the Ordnance Department, Bengal, are eligible for pensions under the Rules of the Military Department, which apply to Non-combatants and Regimental Followers on the permanent establishment of British and Native Regiments.]

Superior service.

94. All other service is SUPERIOR SERVICE.

1. The service of the following officers is Superior if their pay exceeds Rs. 10 :—

(a) Bailiffs ~~in the Presidency Courts of Small Causes.~~

Bázár : * Kotwáls of—

Bookbinders whose professional occupation is bookbinding, and who are not mere Daftaries.

Catamaran Maistries at Madras.

(d) Commissariat Inspectors.

Divers.

Fotadárs in Berar whose designation was under the order of the Government of India, in the Finance Department, No. 911, dated 31st May 1880, changed into Treasury Karkuns.

Goungs.—Bázár and cattle market Goungs in British Burma.

Light-houses : Signalmen in—

Light-keepers (native) in British Burma.

Maistries in the Murramat Department under Civil Officers in the Madras Presidency, as respects service up to the year 1856.

Maistries in the Public Works Department whose pay is not less than Rs. 25.

Gunpowder Manufactory of Madras : Workmen employed in the—before the 28th January 1871, when they become permanently disabled by sickness or old age. These are admitted even if their pay does not exceed Rs. 10.

Gunpowder Manufactory, Puna. Fitters and Engine-drivers of the—

(a) Hospital Purveyors.

(b) Shroffs, whose pay exceeds Rs. 15; also Shroffs in Madras who were in the service on 22nd May 1856, and those in Bombay who were really Clerks, and those whose designation was, under the order of the Secretary of State, No. 1, dated 22nd October 1858, changed into Karkuns.

Medical Department: Cutlers in the—

Mint Artificers, if their occupation is injurious to health.

Printing Establishments: Workmen employed in—except those whose work is purely mechanical, such as Distributors and Pressmen: but Press-servants admitted under Section 77 count service as Superior for those months only in which their earnings exceed Rs. 10.

[NOTE.—Under-warehousemen in the Government Press, Madras, and Impositors, are Superior servants.]

Quartermasters, Tindals, Dockyard Tindals, Serangs, Dockyard Serangs, Marine Engine-drivers, Seacunnies and Stoker Tindals, Gunners, Gunners' Mates, Carpenters, Carpenters' Mates and Pursers' Stewards, employed in the Bombay Marine.

(c) Sarkárs, Counting—in the Stamp Office, Calcutta.

Section-writers admitted under Section 77 in those months only in which their earnings exceed Rs. 10.

Stud-breeding establishment : Zilladárs in the North-West—

Taxidermist in the Indian Museum.

Telegraph Department: Artificers, Assistant Artificers, Mounted Artificers, and Linemen in the—.The service of a Lineman is Superior even if his pay does not exceed Rs. 10.

Tide-waiter or Kanikapillai in the Customs Department, Madras.

Tomandárs and Náib Tomandárs of the Thuggee and Dacoity Department.

Vaccinators, including, in the Madras Presidency and in the North-Western Provinces and Oudh, those whose pay is Rs. 10.

Victualling Gomastahs.

Weighmen in the Mints whose pay exceeds Rs. 15.

* On 14th December 1869 the following was declared to be the establishment of Kotwáls of Bázárs in Bombay. Officers who, on that date, filled these posts,

Section 94.

Rule 1.

Strike out the following words after "Bailiffs" *in this rule :—*

"in the Presidency Courts of Small Causes".—(56) (*No. 391, dated the 23rd January 1885.*)

(a)

Section 94, Rule 1.

Insert the following in the proper place in the list under this Rule :—

"Artificers in the Mathematical Instrument Department of the

Add the following in its proper place in this Section :—

"Compounders."—(71) (Finance Department No. 294, dated 17th April 1885).

(c)

Section 94.

Rule 1.

Insert the following note below the entry beginning with "Quarter Masters" *in the list under this rule :—*

"(NOTE.—This rule applies to men of the classes specified above, who may have been in the service of Government on the 21st August 1883, and are entitled to pension according to rule.)"—(55) (*No. 334, dated the 21st January 1885.*)

(e) *Insert the following in the proper place in the List under this Rule :—*

"Horse-Breeding Operation Department : Salutries in the—."
(93) (Finance Department No. 2103, dated the 22nd July 1885.)

(b)

Section 94.

Rule 1.

Insert the following in the proper place in the list under this Rule :—

"*Indo-European Telegraph Department.*—The European splicer and the three tindals drawing Rs. 35, 30 and 25 a month, respectively, in the Cable Branch of the Subordinate Establishment of the—."—(42) (No. 2101, dated the 18th December 1884.)

the list

Section 94.

Rule 1.

Insert the words "in Bombay" *after the words* "Head Warders in Bengal" *in this rule.*—(240) (Finance Department No. 1981, dated 18th April 1888.)

bay

~~in Burma~~

ent Order

(a)

Section 94.

Add the following as Rule 3 under this Section :—

"3. The service of a postman or village postman, whatever his pay, is superior service, provided he has served as postman or village postman for five years with approval."

(50) (No. 184, dated the 14th January 1885.)

2. If an Officer holds two or more offices, each of which is Inferior by reason of its pay not exceeding Rs. 10, he cannot count service as Superior, on the ground that his aggregate pay exceeds Rs. 10, unless the offices were arranged and their pay determined with the intention that they should be held by one individual. Holding two or more inferior offices at once

(a)

95. (*a*) When the regular duties of an officer whose pay exceeds Rs. 10, but who bears an Inferior designation, are really such as are ordinarily performed by a Superior servant, his claim to pension should be specially referred to the Government of India. Officer with inferior designation doing superior work.

[NOTE.—It is not intended by this Section that an Inferior servant should count service as Superior in virtue of his voluntarily assisting in Superior work. It provides for the case of a person who is *engaged under due authority to do Superior work*, though with an Inferior designation.]

(*b*) On the other hand, an officer whose real duties are those of an Inferior servant, even though his pay exceeds Rs. 10, is not entitled to pension on the Superior scale merely because he draws pay under a Superior designation: Officer on pay exceeding ten rupees doing inferior work.

Examples.—A Lithographic pressman designated as a copying clerk. Accountants in the North-Western Provinces who served under the designation of "Fotadárs."

PERIODS OF LEAVE AND SUSPENSION.

96. An officer belonging to any of the classes described in Schedule B, except Class III (2), counts Furlough as service as follows:— Furlough counts and does not count.

If the service of the officer is not less than—	*He counts as service furlough for—*
20 years	2 years.
25 „	3 „
30 „	4 „
35 „	5 „

97. Otherwise time passed on leave other than Privilege or Subsidiary leave does not count as Superior service. Time passed on leave subsidiary to leave on medical certificate by an officer who has twice before had leave on medical certificate out of India does not count.

1. This Section applies to leave on medical certificate taken even before 1856, notwithstanding that such leave was reckoned as service under the Rules in Appendix B1. Leave before 1856.

may be classed with Superior servants retrospectively in respect of service as Kotwál or as Cháudhary of any of the Bázárs enumerated:—

Púna (two), Belgáum, Dísá, Mhow, Nasirábad, Aden, Maligáum, Assírghur, Nímach, Ahmadábád, Ahmadnagar, Sholápur, Hyderábád, Jacobábád.

Exception.

2. Time passed on leave by the following officers during recess on half-pay, or, in the case of the Revenue Survey Department on less than half-pay or without pay, provided the officers return to duty when required by their superior officers, counts:—

Native Surveyors .	. Survey of India.
Lower Subordinates .	. Forest Survey.
Forest Subordinates .	. Kumaon and Garhwal.

Certain kind of Examination leave.

3. Time passed on leave obtained to be present at an examination which must be passed before an officer is eligible for higher subordinate appointments, such as Deputy Magistracies, counts (*Section 139, Civil Leave Code*).

Period of instruction in Agricultural Schools.

4. Subordinates in Government employ passing through a course of instruction in the Normal and Agricultural Schools at Madras count the time so spent as service towards pension, notwithstanding that, while receiving instruction in the schools referred to, they are treated as absent from their appointments on leave without allowances.

Deputed or detained out of India.

5. When an officer is deputed out of India on duty, the whole period of his absence from India counts. When an officer on leave out of India is detained on duty, the period of such detention counts.

Officer of Public Works Department on furlough detained on duty of a certain kind.

6. When, on the recommendation of the Government of India, an officer of the Public Works Department on Furlough in Europe is employed in England by the Secretary of State on the inspection of stores for India, the period of such employment counts.

Voyage to and from India of an officer recalled to duty in India.

7. Time spent on the voyage to India by an officer who is recalled to duty before the expiry of any recognised leave, and (if, within a year from the date on which he can be spared, the officer takes the unexpired portion of the leave from which he was recalled) the time spent on the return voyage to Europe counts.

Commutation of absence without leave into leave without allowance.

8. The Local Government may commute retrospectively periods of absence without leave into leave without allowances.

Inferior service.

98. An Inferior servant counts periods of authorised leave.

Authorised leave.

1. Leave granted by competent Authority not exceeding in amount that admissible under Chapter X of the Civil Leave Code is "authorised."

Leave without allowance.

2. Leave without allowances may count if the whole amount of leave taken with or without allowances does not exceed what might be given with allowances under the Rules in Chapter X of the Civil Leave Code.

Suspension.

99. Time passed under suspension pending enquiry into conduct counts, if the suspension is immediately followed by reinstatement. Time passed under Suspension adjudged as a specific penalty does not count.

1. If an officer who has been suspended pending enquiry into his conduct is reinstated, but with forfeiture of any part of his

allowances for the period of suspension, this period does not count. But the Authority who reinstates the officer may expressly declare at the time that the period shall count.

FORFEITURE OF PAST SERVICE.

100. AN INTERRUPTION in the service of an officer entails forfeiture of his past service, except in the following cases:— Interruption.

(*a*)—Authorised leave of absence. Leave.

(*b*)—Unauthorised absence in continuation of authorised leave of absence, so long as the office of the absentee is not substantively filled; if his office is substantively filled, the past service of the absentee is forfeited: Absence after leave.

Provided that, if the absentee is subsequently reinstated, the Authority whose duty it is to make the appointment, within three months, or the Local Government, within one year, from the end of the authorised leave of absence, may declare, in an order to be communicated to the Accountant General, that his previous service, or any part of it, shall not be forfeited.

(*c*)—Suspension immediately followed by reinstatement, which need not be to the same office. Suspension.

(*d*)—Abolition of office or loss of appointment owing to reduction of establishment. Abolition of office.

(*e*)—Transfer to non-qualifying service in an establishment under Government control. The transfer must be made by competent authority; an officer who voluntarily resigns qualifying service cannot claim the benefit of this exception. Transfer to a Grant-in-aid school entails forfeiture. (*But see Rule 3 under Section 70.*) Transfer to non-qualifying service.

(*f*)—Transfer to service on the Household establishment of the Viceroy. Household establishment

(*g*)—Loss of appointment owing to the mutiny, provided that the officer affected cleared his character, and was re-appointed as soon as a suitable vacancy was found for him. Mutiny.

(*h*)—Transit from one appointment to another, provided that the officer is transferred under the orders of competent authority, or, if he is a Ministerial officer, with the consent of the Head of his old office. Transit from one office to another.

101. Resignation of the public service, or removal from it for misconduct, inefficiency, or failure to pass a prescribed examination, entails forfeiture of past service. Resignation of, or removal from, office.

Resignation in view to take up another appointment under Government.

1. Resignation of an appointment to take up another appointment, service in which counts, is not held to be a resignation of the public service.

Service before dismissal.

2. Any authority who, on revision or appeal, reverses an order dismissing an officer, may declare that the past service of the reinstated officer counts.

Excepted cases.

3. An officer who resigned the public service before the 8th June 1863 if he was a Superior servant, or before 1st September 1871 if he was an Inferior servant, and was re-appointed to the public service within twelve months from his resignation, counts his service rendered before resignation. This Rule can be applied to only one resignation.

Condonation of break.

102. Upon such conditions as it may think fit, in each case, to impose—

(*a*) The Government of India may condone all interruptions in service not exceeding twelve months in all; and the Local Government may condone all interruptions not exceeding three months in all.

(*b*) If the proposed pension does not exceed fifty rupees a month, the Government of India may condone interruptions in service, whatever their duration: and the Local Government may exercise the same power if the pension is a provincial charge; otherwise it may condone interruptions not exceeding twelve months in all.

CONDITIONS OF AWARD OF PENSION.

Classification.

103. Pensions are of four classes:

COMPENSATION PENSIONS.
INVALID PENSIONS.
SUPERANNUATION PENSIONS.
RETIRING PENSIONS.

Gratuity payable in one sum. Gratuity, if more costly than pension, not to be given.

1. A GRATUITY is paid in a single sum, and not by instalments.

2. A gratuity is intended to be less valuable than a pension, and should not be awarded if it is likely to impose upon the State a higher charge than would arise from a pension.—(*See Rule 3.*)

Applicants for gratuity to be examined as to normal prospects of life.

3. Every applicant for a gratuity should appear before a Commissioned Medical Officer, or Medical Officer in charge of a Civil Station; and if the Medical Officer considers that the applicant has clearly not the normal prospects of life, he should so certify in a confidential report to the Head of the Office, explaining briefly the grounds for his opinion. In such case, the Local Government should grant, in lieu of the gratuity, a pension equal to that which the gratuity would purchase according to the Scale in Table A, Appendix B, for a person of the same age with normal prospects of life. Provided that no gratuity which will yield, on commuta-

Section 103, Rule 2.

Strike out this Rule.

(33) (No. 2926, dated 20th August 1884.)

Section 103, Rule 3.

Strike out this Rule and its Foot-note.—(15) (*No. 1314, dated 28th May 1884.*)

Section 101, Rule 2.

Insert the following as a foot-note to the word "Notice" in the first line of this Rule :—

"I would draw your attention to the necessity of securing that officers whom it may be decided to remove from the service for any cause, shall in future receive timely *official* notice that their services are to be dispensed with." (*Paragraph 4 of Secretary of State's Despatch No. 59, Financial, dated 13th March 1884.*)

(6) (*No. 161, dated 18th April 1881.*)

COMPENSATION PENSIONS.

tion, a pension of less than two rupees a month, need be commuted at all under this Rule. It is not intended that this Rule should be employed indiscriminately, and the Government of India will be ready specially to consider any cases in which its strict operation would cause serious hardship.*

COMPENSATION PENSIONS.

104. A COMPENSATION PENSION is awarded to an officer discharged† from the public service because, on a reduction of establishment, his appointment is abolished.

Re-employment to be found if possible.

1. To pension an officer still capable of useful service is a waste of public money; before a pension is granted to such an officer discharged on abolition of appointment, it must be carefully considered whether he cannot be otherwise provided for. The Head of a Department, in forwarding an application for Compensation pension, should invariably state for what reasons it has been found impossible to provide suitable employment for the applicant; and in the quarterly statements furnished by Local Governments of such pensions, it should be stated in each case that it has been found, after careful enquiry, impossible to provide for the officer elsewhere.

Reasonable notice to be given.

2. Reasonable notice (a) should be given to an officer in permanent employ before his services are dispensed with on the abolition of his office. If, in any case, such notice is not given at least three months before dispensing with the officer's services, and he shall

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* I am directed to acknowledge the receipt of letter No. 1038 (Finance), dated 1st May 1878, enquiring whether the confidential medical report prescribed in Rule 3 of Section 103, Civil Pension Code, is required in every case of application for gratuity, or merely in cases where an applicant for gratuity has not the normal prospects of life.

2. In reply, I am to state that it is not intended by the Rule that any accurate valuation should be made of a man's life before a gratuity is awarded to him on retirement. The Local Government may interpret the Rule as it deems reasonable, provided that sufficient precautions are taken to prevent the grave abuses against which it is directed.—(*Government of India, Financial Department, to Government of Bengal, No. 1015, dated 21st June 1878.*)

† You report the case of an Overseer of eight years' service, whose pay was Rs. 20 a month, and who, upon the abolition of his appointment, was offered an acting Overseership on Rs. 15 a month, with a probable prospect of recovering his former position after a time.

2. The Overseer refused this offer, and claimed a Compensation gratuity, which you declined to grant. In the absence of any express Rules to guide you, you now enquire whether this procedure was proper.

3. The Governor General in Council considers that your action was quite right, and that a public servant of such a class is not entitled to claim a Compensation pension or gratuity as of right merely because his emoluments may be somewhat reduced for a time. A Compensation pension is designed to mitigate hardship caused by loss of office, and a working man who refuses to accept suitable employment, even accompanied with some temporary loss of pay, clearly does not need compensation.—(*Letter to Director General of the Post Office of India, No. 2684, dated 10th September 1878.*)

COMPENSATION PENSIONS.

not have been provided with some other employment on the date on which his services are dispensed with, then, with the sanction of the Local Government, a gratuity not exceeding his emoluments for the period by which the notice actually given to him falls short of three months, may be paid to him, in addition to the pension to which he may be entitled under Sections 118 and 121;* but the pension shall not be payable for the period in respect of which he receives full pay in lieu of notice. The responsible officer will, however, be required to explain any neglect on his part which may give rise to expenditure for such a gratuity.†

Cases in which refund should be made

The Rule in Section 181, requiring the refund of a Compensation gratuity on re-employment, applies to a gratuity awarded under this Rule, if the officer is permanently re-employed within three months from the date of notice. But the officer need not refund that proportion of his gratuity under this Rule which the interval of his non-employment bears to the whole period for which the gratuity is given. If the officer is re-employed only temporarily, he need refund no part of his gratuity; but if such temporary employment is foreseen, the gratuity should be proportionately reduced.

Selection for discharge.

3. Whenever, upon the reduction of an establishment, it is necessary to discharge one or more members thereof, the selection of the officers to be discharged should, *primâ facie*, be so made that the least charge for Compensation pension will be incurred.

Cannot refuse re-employment

4. An officer discharged with a Compensation pension may not, without surrendering his pension, refuse to accept any appointment which the Local Government thinks fit, within six months from the date of his discharge, to offer to him. The salary of such new appointment must not, however, be less than enough to raise his total receipts, under the operation of Section 182, to the amount which he received as salary immediately before his discharge, nor should the new appointment be such as the officer cannot reasonably and equitably be expected to accept.

or transfer.

5. Rule 4 applies also to the case of an officer entitled to Compensation pension who, upon the abolition of his own appointment, is transferred by competent Authority to another appointment. To

* In reply to your letter No. 4454, dated 16th December 1880, I am directed to say that the gratuity prescribed in Rule 2 under Section 104 of the Civil Pension Code is not granted as compensation for loss of employment, but only in lieu of notice of discharge, with a view to mitigate the hardship caused to an officer by the sudden loss of employment. When, therefore, an officer discharged without notice is provided with some other employment on the date on which his services are dispensed with, whether that employment be in qualifying or non-qualifying service, he is not entitled to any gratuity.—(*Government of India, Department of Finance, to Government, Bombay, No. 106, dated 10th January 1881.*)

† The Governor General in Council is pleased to decide that, unless it contains an express statement to the contrary, an order for the abolition of an office or appointment shall not be brought into operation till the expiry of three months after notice has been given to the officers whose services are to be dispensed with on such abolition. The immediate Head of the Office or of the Department will be held responsible that there is no unnecessary delay in giving such notice.—(*Resolution No. 208, dated 28th April 1880.*)

COMPENSATION PENSIONS.

such an officer a Compensation pension may be simultaneously awarded, subject always to the limitation prescribed by Section 182.

Explanation.

6. The discharge of one officer to make room for another better qualified, is not the abolition of an appointment within the meaning of this Section; the abolition must produce a real saving to Government. Particulars of the saving effected should be fully set forth in every application for Compensation pension. The saving should always exceed the cost of the pension, otherwise it may perhaps be better to postpone the reduction of establishment or abolition of appointment.*

Change in nature of duties.

7. If it is necessary to discharge an officer in consequence of a change in the nature of the duties of his office, the case should be referred to the Government of India.

General reduction.

8. An appointment, the pay of which is reduced as part of a

* The Governor General in Council desires that the attention of the several Departments of the Government of India, and of Local Governments, be drawn to the conditions prescribed in the Civil Pension Code for the admission of claims to Compensation pension. Such pension is only granted to an officer discharged from the public service when, *on a reduction of establishment*, his appointment is abolished. It is further prescribed that such abolition must produce a real saving to Government in respect of the cost of the appointment; and that the saving should always exceed the cost of the pension to be granted to the incumbent of the abolished appointment.

2. Notwithstanding these clear provisions in the Rules, applications are frequently made for the grant of pension to officers discharged from the public service, though the discharge of the officer does not result in any saving to the State. The consequence is that the Governor General in Council is under the necessity of rejecting such applications, or to refer cases of more than ordinary hardship to the Secretary of State for special consideration.

3. It is not desirable that frequent relaxations of the Rules should be permitted. At the same time it involves serious hardship if officers are thrown out of employment when they have not failed in the discharge of their public duties, and are refused all compensation therefor.

4. The Governor General in Council therefore deems it necessary to remind all Departments, Local Governments, and Officers concerned that, in any scheme for re-organising an establishment, the claims to pension that may arise in consequence of the re-organisation, should always be considered before a change is made, and, except in cases of very urgent necessity, no revision of establishment should be carried out which would have the effect of giving rise to claims to Compensation pension, the cost of which cannot be met out of savings effected by the revision. As stated in Rule 6 of Section 104 of the Civil Pension Code, if the saving does not exceed the cost of the pension, "it may be better to postpone the reduction of establishment or abolition of appointment."—*Circular by the Government of India, Financial Department, No. 1690, dated 22nd July 1878.*

5. It is, doubtless, the duty of all public Officers to take every suitable opportunity to introduce improvements in the Administration, and as the Rules now stand, personal claims, such as those of A B, often impede administrative reforms otherwise desirable. But it is easy to see that, if the Government were prepared to compensate every one whom it is desired to supersede on such occasions, reforms might indeed proceed more rapidly, but an indefinitely large expenditure for Compensation pensions might ensue; and this the Government of India is not at present authorised to incur, or prepared to recommend to the Secretary of State.

6. Local improvements must, therefore, be carried out with a due regard to these considerations; and it should be clearly understood that if a public servant is discharged as, in the present instance, A B has been discharged, a remedy at the charge of the Public Revenues for the loss he sustains is not to be expected.—*Government of India, Financial Department, to Bombay, No. 2753, dated 6th September 1878*

COMPENSATION PENSIONS.

general scheme of revision, is abolished within the meaning of this Section. But in such case it may sometimes be cheaper to grant a Personal allowance than a pension.

Abolition of one of two appointments.

9. If, of two appointments held by one officer, one is abolished and the other retained, the case should be specially submitted to the Government of India.

Graded Officers.

10. Deputy Collector, Munsif, or similar officer who belongs to the public Service, apart from his particular local appointment, cannot obtain a Compensation pension on the abolition of a particular appointment.

Discharged after completion of a specified term of service.

11. No pension is admissible to an officer for the loss of an appointment on discharge after the completion of a specified term of service.

Local allowance.

12. No pension may be awarded for the loss of a Local Allowance.

Schoolmasters, &c., employed to do postal duties.

13. Schoolmasters or other Government officers who, in addition to their other duties, are employed as Postmasters, or in any other capacity in the Post Office Department, are not entitled to Compensation pension on being relieved of such duties.

Abolition of appointment of an officer on leave to be communicated to Secretary of State.

14. The abolition of the appointment of an officer absent on leave out of India should be immediately communicated to the Secretary of State. (*See Rule 5 under Section 165, Civil Leave Code.*)

Transfer to an appointment of less value.

105. If an officer who is entitled to Compensation pension accepts instead another appointment in the public Service ~~(whether qualifying or not)~~, and subsequently becomes again entitled to receive a pension of any class, the amount of such pension shall not be less than he could have claimed if he had not accepted the appointment.

Satára Local Corps.

1. The pension of an officer who on the disbandment of the Satára Local Corps in 1862, or any earlier reduction of the Corps, entered the Police, shall not be less than he would have received if, instead of joining the Police, he had resigned the public Service altogether, namely:—

(1) A gratuity of six times his last monthly pay in the Corps;
(2) Half his last month's pay in the Corps for each year's service in the Corps in excess of six;
(3) If he had served for not less than thirty years in the Corps, then, at his option, instead of a gratuity, a pension equal to half his last pay in the Corps.

Risálá of the Rája of Satára.

2. An officer employed in the Risálá of the Rája of Satára, who, on the disbandment of that Force in 1850-52, was transferred to the service of the British Government, is entitled, on his discharge from this service, to a minimum pension as follows:—

(*a*) If he served in the Risálá not less than 25 years . .	His last pay in the Risálá.
(*b*) Otherwise	His said pay multiplied by a fraction, the denominator of which is 25, and the numerator the number of completed years of his service in the Risálá.

Section 105.

Strike out the words "whether qualifying or not" *within brackets in the third line of this Section.*

(100) (Finance Department No. 2521, dated the 17th August 1885.)

INVALID PENSIONS.

106. AN INVALID PENSION is awarded, on his retirement from the public service, to an officer who by bodily or mental infirmity is permanently incapacitated—

(*a*)—for the public service, or

(*b*)—for the particular branch of it to which he belongs.

1. An officer discharged on other grounds has no claim under this Section, even although he can produce medical evidence of incapacity for service. No claim on other grounds.

2. To prevent undue liability for Invalid Pensions, no person may be appointed to a Superior grade in the public service in India without a certificate in the annexed form, with any suitable modification, by a Commissioned Medical Officer, or by a Medical Officer in charge of a civil station or (in the case of a candidate for employment in a State Railway) of a State Railway. This certificate must be annexed to the first bill submitted for the pay of the officer. A similar Rule is enforced by the Secretary of State in the case of persons selected by him for service in India. Medical certificate on first appointment.

The Local Government may in any individual case, on public grounds, dispense with the production of the certificate required by this Rule.

CERTIFICATE.

I do hereby certify that I have examined A. B., a candidate for employment in the_____ Department, and cannot discover that he has any disease, constitutional affection, or bodily infirmity, except _____. I do not consider this a disqualification for employment in the Office of_____. A.B.'s age is, according to his own statement, (*x*) years, and, by appearance, about (*y*) years.

[NOTE.—When an officer is transferred from one office to another the duties of which are different in character, a commissioned Medical Officer or a Medical Officer in charge of a civil station or (in the case of an officer employed in a State Railway) of a State Railway, should report whether the defect, if one exists, will materially interfere with the discharge of his new duties by the officer transferred.]

3. But if an officer, who is appointed on a pay not exceeding fifty rupees, cannot conveniently appear before a Commissioned Medical Officer or a Medical Officer in charge of a civil station or (in the case of an officer appointed to an office in a State Railway) of a State Railway, the Local Government may accept a certificate in such form as it considers sufficient from any other Officer, who need not even be a medical man. Exception.

4. Whenever it appears from the certificate prescribed by Rule 2 that a person has been admitted to the public service when his age, according to his own statement, or in the opinion of the examining Medical Officer, exceeded twenty-five years, the Ac- Accountant General to report in certain cases.

INVALID PENSIONS.

countant General should report the case for the orders of the Local Government, reminding it of the Resolution by the Government of India, No. 42?, dated 20th January 1871, quoted as a footnote to the Proviso under Section 115.*

Promotion.

5. No medical certificate is necessary upon an officer being promoted from Inferior to Superior service, even though the officer while in Inferior service may have been paid from a Local Fund.

Re-employment.

6. Rule I under Section 104 applies, *mutatis mutandis*, in the case of an officer invalided under Clause (*b*) as unfit for employment only in some particular branch of the public Service. Every effort should be made to find for such an officer other employment suited to his particular capacity.

107. If the officer applying for pension is sixty years old or upwards, no certificate by a Medical Officer is necessary; it suffices for the Head of the Office to certify to the incapacity of the applicant. Otherwise, incapacity for service must be established by a medical certificate attested as follows:—

(*a*)—If the officer submitting it is on leave in England;—by the Medical Board of the India Office.

(*b*)—If he is serving at or near the capital town of a Province;—by the Surgeon General or Deputy Surgeon General of the Province, or by a Medical Committee over which the Surgeon General or Deputy Surgeon General should, when practicable, preside.

[NOTE.—Where, as in British Burma, there is a separate officer in charge of the Civil Administration, such officer, instead of the Deputy Surgeon General, should preside over the Medical Committee.]

(*c*)—If he is a Superior officer and is serving in the interior of the country under such circumstances that, in the opinion of the Local Government, he can be conveniently required to appear before a Medical Invaliding Committee;—by such Committee.

(*d*)—In other cases, the Local Government may either accept a certificate given by a single Commissioned Medical Officer or Medical Officer in charge of a civil station, or assemble a special Invaliding Committee at a convenient civil station. If the pension applied for exceeds Rs. 100 a month, a certificate by a single Medical Officer should not be accepted as sufficient, if it is possible without undue inconvenience, to assemble an Invaliding Committee or to cause the applicant to appear before the Surgeon General,

* "It is intended by Section 106, Rule 4, of the Civil Pension Code that cases where the Medical Officer has stated that a person is by appearance above twenty-five years of age, should be submitted to Government for orders, though there be no occasion to doubt the person's statement as to his real age. As stated in your letter, the opinion of the Medical Officer is only to be regarded as determining a person's age, where no certificate of birth exists or where there is room for suspecting the person's statement. But the Accountant General cannot tell which evidence is best; the matter must, therefore, be decided by the Local Government on the case being brought to its notice by the Accountant General."—*Letter to Government, Madras, No. 2609, 27th August 1881.*

Add the following as rule (e) under this Section :—

(*e*) "In the case of signallers in the Telegraph Department, the medical certificate prescribed by this section may, if it is found after medical examination that it cannot be granted, be dispensed with in special cases when inefficiency is not the result of misconduct, and instead of it two certificates—one in form (1) signed by two superior officers of the Telegraph Department; and the other in form (2) signed by the Director General of Telegraphs—may be substituted."

FORM (1).

"We certify that, after a perusal of the records of A. B.'s service, and of the report of his immediate superior during the last 12 months of his service, we are satisfied that he is permanently incapacitated for the duties of a signaller in the Telegraph Department."

FORM (2).

"After a careful consideration of A. B.'s case, I concur with in thinking that he is permanently incapacitated for the duties of a signaller in the Telegraph Department, and accordingly recommend that he may be permitted to retire on the pension or gratuity for which he may be found eligible."

[NOTE.—The practice enjoined in Section 108, Note (3), of re-employing pensioners should be carefully followed as far as practicable in these cases.]

"*Exception.*—Signallers in the Telegraph Department permitted to retire under Section 107 (*e*), may be granted a pension or gratuity of only four-fifths of the amount that would be admissible for a man permanently unfit for any duty."—(72) (Finance Department No. 435, dated 24th April 1885).

Insert the following as Rule (f) under this Section :—

(*f*) Except under clause (*a*) of Section 107, in no case shall a medical certificate of incapacity for service be granted unless the applicant produce a letter from the head of his office or his department, to show that the latter is aware of his intention to appear before the medical officer.—(169) (Financial Department Order No. 4221, dated 19th November 1886.)

Indian Medical Department, or the Standing Medical Committee at the Presidency.

108. The form of the medical certificate given by the Medical Board attached to the India Office, respecting an officer applying for pension in England, is as follows:— Form of medical certificate.

Certified that we have carefully examined A. B. of the Indian Uncovenanted Service. His age is, by his own statement, (*x*) years, and by appearance about (*y*) years. Looking at all the facts of his case and his present condition, we consider that he is so far incapacitated for further service in India that we recommend that he be permitted to retire from the service of Government on pension. So far as we are in a position to judge,* his incapacity has not been occasioned by irregular or intemperate habits.

The form of the certificate to be given respecting an officer applying for pension in India is as follows:—

Certified that I (We) have carefully examined A. B., son of C. D., a_____ in the_____ His age is, by his own statement, (*x*) years, and by appearance about (*y*) years. I (We) consider A. B. to be completely and permanently incapacitated for further service of any kind [or in the Department to which he belongs] in consequence of (*here state disease or cause*). His incapacity does not appear to me (us) to have been caused by irregular or intemperate habits.

(*If the incapacity does not appear to be complete and permanent the certificate should be modified accordingly, and the following addition should be made:*) I am (We are) of opinion that A. B. is fit for further service of a less laborious character than that which he has been doing, [or may, after resting for (*z*) months, be fit for further service of a less laborious character than that which he has been doing.]

[NOTES. (1.)—A succinct statement of the medical case, and of the treatment adopted, should, if possible, be appended.

(2.)—If the Examining Medical Officer, although unable to discover any specific disease in the officer, considers him incapacitated for further service by general debility while still under the age of 55 years, he should give detailed reasons for his opinion, and, if possible, a second medical opinion should always in such a case be obtained. In a case of this kind, special explanation will be expected from the Head of the Office or Department of the grounds on which it is proposed to invalid the officer.

* If the incapacity is obviously the result of intemperance, substitute: "In our opinion his incapacity is the result of irregular or intemperate habits."

SUPERANNUATION PENSIONS.

(3.)—The object of the second alternative certificate (of partial incapacity) is that an officer should, if possible, be employed even on lower pay, so that the expense of pensioning him may be avoided. If there be no means of employing him even on lower pay, then he may be admitted to pension; but it should be considered whether, in view of his capacity for partially earning a living, it is necessary to grant to him the full pension admissible under Rule. The principle of Rule 1 under Section 104 must always be carefully borne in mind.]

Accountant General's procedure when there is doubt about India Office Medical Board's Certificate.

1. If any doubt arises regarding the validity of a certificate by the Medical Board attached to the India Office, the Accountant General must not of his own motion reject the certificate as invalid, but submit the matter for the decision of the Local Government.

Pension awarded accordingly.

109. If the incapacity is the result of irregular or intemperate habits, no pension can be granted. Otherwise, it is for the Local Government to decide whether the officer's incapacity is such as to render it necessary to admit him to Invalid pension.

Discharge required on submission of medical certificate.

1. An officer who has submitted a medical certificate of incapacity for further service must not (except for special reasons to be reported to the Local Government) be retained in active service pending a decision on his application for pension, nor can he obtain leave of absence. Without the further special sanction of the Local Government, service after the date of a medical certificate does not count for pension. The object of this Rule is to discourage tentative applications; but an Inferior servant, or a Police officer whose pay does not exceed twenty rupees, who, in the opinion of the Head of his Office, is fit for light work, may be retained in employment till his pension is sanctioned, provided that his place is not filled up till he retires, and that his service counts only to the date of his medical certificate.

Excepted cases.

SUPERANNUATION PENSIONS.

110. A SUPERANNUATION PENSION is granted to an officer entitled or compelled, by Rule, to retire at a particular age.

Premature retirement of efficient officer not to be enforced.

1. Except as provided in Rules 2 and 3, an officer in a Superior grade, who has attained to the age of fifty-five years, may be required to retire, unless the Local Government considers him efficient, and permits him to remain in the Service.* (*Sections 45 and 46*

* A Covenanted Civilian or an Officer of the Army in civil employ is obliged to retire after a certain period of service, unless it is injurious to the public interest that he should do so; but an Uncovenanted Officer in a Superior grade, who has attained the age of fifty-five years, may be required to retire, unless the Local Government considers him efficient, and permits him to remain in the Service. There is thus a clear distinction between the two classes of officers; for the former class is required, as a rule, to retire: while the latter is required, as a

Section 109.

Rule 1.

Add the following as a footnote to this Rule :—

This Rule refers only to the retention in *active* service of an officer who has furnished a medical certificate in support of an application for invalid pension or gratuity while in India. The retirement of an officer who is absent on leave, when such certificate is submitted may have effect from the termination of his leave, and the officer may continue to draw leave allowance to the end of his leave.—(79) (Finance Department No. 1191, dated the 3rd June 1885)

Rule 1.

Insert the following after "absent on leave" *in line 3 of the foot-note under this Rule :—*

"other than privilege leave."—(215) (Financial Department Order No. 5674, dated 25th October 1887.)

Section 110.

Rule 1.

Add the following to this rule :—

The Local Government may delegate to Heads of Departments or to officers not under the rank of Collectors or District Judges, the power of declaring any non-gazetted subordinate to be efficient and permitting him to remain in the service for a definite period, up to but not beyond the age of 60 y
subordinate's case must be taken up when he
after each extension of service. If the Head
other officer does not consider him efficient, th
reported to the Local Government for orders."—(
ment No. 1692, dated 29th March 1888.)

Section 110.

Cancel Rule 3 under this Section, the last five lines of Rule 10, and Note (2) under Rule 10.

SUPERANNUATION PENSIONS.

of the Civil Leave Code.) But, as the premature retirement of an efficient officer imposes a needless charge on the State, this Rule should be worked with discretion.*

[NOTE.—An Officer compelled to retire under this Rule, part of whose service has been Inferior, is entitled to pension on the Inferior scale on the same conditions as if he had been invalided under Section 121.]

Exception.—The officers named in Section 119 are exempted from the operation of this Rule. Excepted officers.

2. Officers in the Survey of India, of rank not lower than that of Assistant Surveyor, shall cease to be in employment on attaining the age of fifty-five years, unless specially permitted by the Secretary of State, in the interests of the public service, to remain in the Department for a further definite period. Survey of India.

3. After the age of fifty-five years, a Civil Engineer in the Public Works Department, a Civilian in the Accounts Branch of that Department, or an officer in the Superior Branch of the Telegraph Department, shall not be appointed, either substantively or in an officiating capacity, to a grade other than that to which he may be attached at the time, nor permitted to continue in any grade, whether substantively or in an officiating capacity, to which he has been attached for five years and upwards, unless in any special case sanctioned by the Secretary of State. Nor can such an officer Public Works Department.

rule, to be retained, theresult, in both cases alike, being decided by what is most expedient in the public interests.

2. The Government of India think it unnecessary to add to these Rules; but in the case of Uncovenanted Officers holding appointments open to the Covenanted Service, the standard of efficiency by which the retention of such officers is to be decided may reasonably be raised above the standard required in lower appointments.—(*Home Department to Bengal, No. 524, dated 31st March 1876.*)

3. As some misapprehension appears to exist on the subject of the Rule regarding the Compulsory Retirement of Uncovenanted Officers after the age of 55 years, His Honour the President in Council thinks it desirable to state that not only does Section 110 of the Civil Pension Code not require the compulsory retirement of any efficient officer of whatever age, but that, though the Section authorises the Local Authorities, at their discretion, to presume that an officer is inefficient at 55 years of age conditionally, and at sixty years of age absolutely, yet the whole tenor of the Rules is that such presumption shall be exercised with careful consideration both for the individual, who would suffer by being deprived of his appointment while capable of discharging its duties, and for the finances of the country, which would suffer were officers, still efficient, prematurely thrown upon the Pension List.—(*Revenue Department, No 31F., dated 3rd September 1877.*)

* I trust that the various Governments and Administrations will always be disposed to extend to this Rule a very liberal interpretation, and that the State may, in no case, be deprived of the valuable experience of really efficient Native Officers by the untimely exercise of the powers of compulsory retirement on pension.—(*Secretary of State, No. 87, dated 8th August 1872.*) [1]

[1] Rule I of Section 110 of the Civil Pension Code applies to all Uncovenanted Officers (in the superior grades) without reference to their nationality. If an officer is efficient after attaining the age of fifty-five years, his retention in the Service is not barred by the accident of his being of other than purely native birth, and though the Despatch of the Secretary of State in the foot-note to Rule I of Section 110 mentions *Native* Officers only, it has a much wider application, and should be held applicable to all Uncovenanted Officers in Superior grades, whether Natives or Europeans, equally with the Rule quoted above.—(*Financial Department, to North-Western Provinces, No. 2759, dated 7th December 1875.*)

~~claim to retain any office for a longer period than may have been specially fixed by the Government of India (or Madras or Bombay, as the case may be) at the time of his appointment to the office.~~

[NOTES (1).—The operation of the Rule in respect to officers in the Superior Branch of the Telegraph Department should be postponed for two years from the 10th August 1883, and no officer shall be removed from the office held by him on the 10th August 1883, by reason of the rule, until five years have expired from his first appointment to such office.

(2).—The period of five years referred to in this Rule, begins to run from the date on which the officer is first appointed to a grade, whether substantively or temporarily, provided that, if temporary, he is confirmed without reverting to his substantive grade; but the currency of the period is not interrupted by any subsequent temporary promotion to a higher grade.]

Accountant General to report.

4. The Accountant General will inform the Local Government whenever any officer attains the age of fifty-five years, in order that the Local Government, being apprised of the fact, may take such action as it sees fit for the retention or otherwise of the officer in question.

Power of Director General of Post Office:

5. The Director General of the Post Office of India exercises the powers of a Local Government, under these Rules, over all officers subordinate to him.

and of Commissioners in Bombay;

6. Commissioners of Divisions in the Bombay Presidency exercise the powers of a Local Government under these Rules in respect of officers of the Revenue or Police establishment of the rank of Mamlatdar, Police Inspector, and of lower ranks. The Commissioner of Customs, Salt, Opium and Abkari, and the Survey and Settlement Commissioner, in the Bombay Presidency, exercise similar powers in respect of such members of the Departments under their control as may correspond in rank with Mamlatdars, Police Inspectors and officers below these ranks. The Judicial Commissioner in Sind exercises similar powers in respect of officers of the judicial establishments in Sind below the rank of Subordinate Judges.

and of certain officers in the Public Works Department.

7. In the Military Department, the Inspector General of Military Works, and in the Public Works Department, the Director General of Telegraphs, and the Director General of Railways exercise the powers of a Local Government under these Rules in regard to all Subordinates serving under them, except Accountants. The Accountant General in the Public Works Department also exercises similar powers over all Subordinates serving under him, including all Accountants belonging to the establishment under the Government of India.

Certificate of inefficiency.

8. If an officer, whose age is less than sixty years, is required to retire under Rule 1, the Head of his Office must certify in the Column for "Any other remarks," on the third page of the application for his pension, the cause of the applicant's inefficiency. If the officer wishes to retire of his own accord under Rule 9, the fact should be stated.

Optional retirement.

9. An officer in Superior service who has attained the age of fifty-five years may, at his option, retire from the Service on a Superannuation pension.

Section 110.

Rule 6.

Add the following at the end of this rule :—

The Inspector General of Police, Bengal, also exercises the powers of a Local Government under these rules in respect of Policemen in receipt of pay not exceeding Rs. 20 a month.—
(194) (Finance Department Order No. 3114, dated 10th June 1887.)

Insert the following as Rule 9A :—

9A. The following rules apply to officers of the Public Works Department :—

(*a*) Civil Engineers in the Public Works Department, Civilian Under and Assistant Secretaries in the Public Works Branch of the Secretariat of the Government of India, or of a Local Government or Administration, and Civilians in the Accounts Branch of the Public Works Department, in the Superior Railway Revenue Establishment, and in the Superior Establishment of the Telegraph Department are required to retire on attaining the age of 55 years.

(*b*) Military officers in the Public Works or Telegraph Department cease to be in civil employ on attaining the age of 55 years.

NOTE (1).—The operation of these rules in respect to officers in the Telegraph Department was postponed till 10th August 1883, and no officer in that Department shall be removed from the office held by him on 10th August 1883, by reason of these rules, until he shall have served five years continually, whether substantively or temporarily, in the grade or appointment held by him on that date. Such an officer may not, if he has attained 55 years of age, be promoted or receive a new appointment after the 10th August 1883.

NOTE (2).—The operation of these rules in respect to Civilian Under and Assistant Secretaries not being Civil Engineers in the Public Works Department, and officers on the Superior Railway Revenue Establishment, is postponed for 5 years from the 15th November 1884. Any such officer holding an appointment which he held on that date shall for 5 years be subject, in regard to retirement after the age of 55, to the rule which applied to him on that date. If such an officer is promoted or receives a new appointment after that date, he shall be subject to the general rules above laid down.

NOTE (3).—Of the other officers, those who were appointed to a new office, class, or grade before 18th August 1882 may continue, notwithstanding these rules, to hold that office, class or grade until 5 years from the date of such appointment, but may not be promoted or receive a new appointment if they have attained the age of 55 years.—(65) (Finance Department No. 1361, dated 13th March 1885).

SUPERANNUATION PENSIONS.

Military or Naval Officer.

(a) 10 (*a*).—After the age of fifty-five years, no Military or Naval Officer shall be appointed to a new office in civil employment, whether substantive or officiating; nor, except in special cases sanctioned by the Secretary of State,* shall he be permitted to retain any such office which he has held for five years and upwards. ~~Provided that a Military Officer employed in the Public Works and Telegraph Departments cannot claim to retain any such office for a longer period than may have been specially fixed by the Government of India (or Madras or Bombay, as the case may be) at the time of his appointment to the office.~~

[NOTES (1.)—This Rule should be strictly enforced, unless the retirement of any officer should be considered by the Government under which he is serving to be injurious to the public interest.—(*Secretary of State's Despatch No. 106, dated 30th August 1873.*)

~~(2.)—The operation of the proviso in this Rule to officers in the Telegraph Department is limited similarly to that of Rule 3.~~

(3.)—The period of five years referred to in this Rule, begins to run from the date on which the officer first takes up the office, whether substantively or temporarily, provided that if temporary, he is confirmed without reverting to his substantive appointment; but the currency of the period is not interrupted by any subsequent temporary promotion to a higher appointment.]

Medical Officers in Administrative grades.

Exceptions—(1.) Medical Officers of the Administrative grades in the Service, namely, Surgeons General and Deputy Surgeons General, are not compelled to retire from the service until they attain the age of sixty years. A Deputy Surgeon General who has not attained the age of sixty years may be appointed to be Surgeon General either permanently or temporarily.

Medical Officers in the rank of Surgeon Major or Brigade Surgeon.

(2.) Medical Officers of the rank of Surgeon Major or Brigade Surgeon, who entered the Service prior to the 13th January 1860, may, on attaining the age of fifty-five years, be allowed to retain their appointment in the Civil Department for a period not exceeding three years, if they are permitted to remain in the Medical Service under the provisions of Article 8 of the Royal Warrant of the 16th November 1880.—(*G. G. O. Military Department, No. 13, dated 7th January 1881*).

(*b*).—The undermentioned officers cease to be in civil employment on attaining the age of fifty-five years:—

(i) Military Officers in the Survey of India, unless specially permitted by the Secretary of State, in the interests of the public Service, to remain in the department for a further definite period;

(ii) Brigade Surgeons or Surgeons-Major, who entered the service on or after the 13th January 1860; and

(iii) All Warrant Officers, except Warrant Medical Officers who on being reported to be qualified after examination as to fitness, shall be retained for a further period of three years.

*Her Majesty's Secretary of State has recently pointed out that when his authority is required for the extension of the term of service of a Military Officer in civil employment after attaining the age of 55 years, the necessary sanction should be obtained previous to the event. I am accordingly directed to request that this order may in future be observed, and that sufficient notice may always be given to the Government of India in such cases to admit of a timely reference being made to the Secretary of State.—(*Circular in the Home Department, No. 57—1922—28, dated 20th December 1880.*)

Compulsory Retirement of a Military Officer on succession to Colonel's allowance.

11. On succession to the Colonel's Allowance, a Military Officer (not being a General Officer in Command of a Division or Brigade, or holding an appointment the tenure of which is limited to five years) must vacate any Civil or Military appointment which he then holds. But, with the sanction of the Secretary of State in Council, he is eligible to re-appointment or to employment in the same or any other appointment at the discretion of the Government of India (or, if he belongs to the Madras or Bombay Army, as the case may be, of Madras or Bombay) in the Military Department.

Military Officer in Public Works Department.

12. * A Military Officer serving in the Public Works Department must vacate absolutely any appointment he may hold in that Department on succession to the Colonel's allowance.

13. The tenure of the appointment of Director General of Telegraphs is limited to five years. Extensions of this term can be sanctioned by the Secretary of State alone.

RETIRING PENSIONS.

Retiring Pension.

111. A RETIRING PENSION is granted to an officer who voluntarily retires after completing the prescribed period of service.

AMOUNT OF PENSION.

Explanation.

112. The AMOUNT of pension that may be granted is determined by length of service, as set forth in Sections 113, 114, 115, and 116.

No option of gratuity.

1. An officer entitled to pension may not take a gratuity instead of pension.

Service under Imperial Government.

2. In the case of an officer who has any service under the Imperial Government, pension from Indian Revenues should not be fixed until it has been ascertained whether any pension is payable from Imperial funds in respect of the service under the British Government.

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* The following Rules were published under Notification in the Public Works Department, No. 293, dated 3rd September 1880:—

I. The following Rule of the Civil Pension Code is made applicable to Officers of Royal Engineers serving in the Public Works Department:—

(Rule 10 of Section 110.)

II. Officers of the Royal Engineers who have attained, or hereafter may attain, the rank of General Officers, must vacate their appointments in the Public Works Department; but they will be eligible for re-appointments as Chief Engineers, Class I, or in posts carrying that rank. This Rule will be brought into force two years from the present date.

III. No Chief Engineer of the Corps of Royal Engineers shall, without re-appointment, hold the same post for more than five years. This Rule, in the case of Officers who, on their appointment to that rank, received notice of the probable issue of this order, will take effect from the date they joined their present posts. In other cases the Rule will take effect from the date of these orders.

IV. The foregoing Rules are applicable to Officers of Royal Engineers who hold the post of Secretary or of Deputy Secretary to the Government of India in the Public Works Department.

Strike out rule II of this foot-note and substitute the following :—

"Officers of Royal Engineers, who have attained or hereafter may attain the rank of general officers, must vacate their appointments in the Public Works Department. But if an officer at the time of so vacating office is a Chief Engineer, First Class, or holds a post carrying that rank, he may be continued in the position which he had been required to vacate, for the remainder of the term of 5 years referred to in Rule III, unless in the meantime he must vacate office by some other regulation. Officers of Royal Engineers holding rank below that of Chief Engineer, 1st class, vacating office under this rule, are not eligible for re-appointment to the Public Works Department."—(122) (Finance Department Order No. 183, dated 24th November 1885.)

Section 113.

Substitute the following for clauses "(a)," "(b)," and "(c)" under this section :—

(*a*)—*After a service of less than ten years :—*

A gratuity not exceeding (except in special cases and under the orders of the Government of India) one month's Emoluments for each completed year of service. If the Emoluments of the officer have been reduced during the last five years of his service otherwise than as a penalty, Average Emoluments may, at the discretion of the Local Government, be substituted for Emoluments.

(*b*)—*After a service of not less than ten years :—*

A pension not exceeding the following amounts :—

Years of completed service.	Scale of Pension.	Maximum limit of Pension.
10	10 sixtieths of Average Emoluments	2,000 a year.
11	11 " " "	2,200 "
12	12 " " "	2,400 "
13	13 " " "	2,600 "
14	14 " " "	2,800 "
15	15 " " "	3,000 "
16	16 " " "	3,200 "
17	17 " " "	3,400 "
18	18 " " "	3,600 "
19	19 " " "	3,800 "
20	20 " " "	4,000 "
21	21 " " "	4,200 "
22	22 " " "	4,400 "
23	23 " " "	4,600 "
24	24 " " "	4,800 "
25 and above	30 " " "	5,000 "

(227) (Finance Department Order No. 414, dated the 25th January 1888)

SUPERIOR SERVICE.

For Superior Service.

Compensation and Invalid pension.

113. COMPENSATION AND INVALID PENSION may be granted for SUPERIOR QUALIFYING SERVICE as follows:—

Gratuity.

(a)—*After a service of less than fifteen years :—*

A gratuity not exceeding (except in special cases, and under the orders of the Government of India) one month's Emoluments for each completed year of service, or twelve months' Emoluments in all. If the Emoluments of the officer have been reduced during the last five years of his service otherwise than as a penalty, Average Emoluments may, at the discretion of the Local Government, be substituted for Emoluments.

(b)—*After a service of not less than fifteen years, but less than twenty-five years :—*

Pension not exceeding one-third of Average Emoluments.

A pension not exceeding one-third of Average Emoluments, and, also, not exceeding Rs. 3,000 a year; or, if the Average Emoluments do not exceed Rs. 12,000 a year, Rs. 2,000 a year.

(c)—*After a service of not less than twenty-five years :—*

Pension not exceeding one-half of Average Emoluments.

A pension not exceeding one-half of Average Emoluments, and, also, not exceeding Rs. 5,000 a year; or, if the Average Emoluments do not exceed Rs. 12,000 a year, Rs. 4,000 a year.

[NOTE.—The Proviso under Section 115 applies to an officer invalided on account of incapacity for further service, which incapacity is due to old age or natural decay from advancing years. In the case of an officer whose qualifying service began after he attained the age of twenty-five years, the attention of the Examining Medical Officer should always be called to that Proviso, in order that he may adapt his certificate accordingly.

Medical Officers must not give a certificate that inefficiency is due to old age or natural decay from advancing years, to any officer whose age is less than fifty-five years. In the case of any officer whose age is less than fifty-five years, the cause of inefficiency must be exactly stated.—(*See Note* (2) *under Section 108.*)]

Graduated scale of pensions in certain cases.

114. An INVALID PENSION on the following scale, but not being less than Rs. 1,000 or more than Rs. 2,000 a year, may be granted to an officer belonging to any of the classes described in Schedule B, except class III. The Government of India may, on special grounds, recommend for sanction by the Secretary of State the grant of an Invalid pension on the same scale to an officer belonging to class III, provided that, if he was not appointed by the Secretary of State, he be not of purely Asiatic descent:

If the qualifying service of the officer be not less than—	*Forty-fifth part of the officer's Average Emoluments.*
10 years	10
11 ,,	11
12 ,,	12
13 ,,	13
14 ,,	14

CHAP. IX.

SUPERIOR SERVICE.

Superannuation pension.

Uncovenanted Officers. Amount of Pension.

115. The amount of SUPERANNUATION PENSION which may be granted for SUPERIOR QUALIFYING SERVICE is that which would be admissible as an Invalid pension.

Proviso.—If an officer's qualifying service began after the 20th January 1871, and after he attained the age of twenty-five years,* the pension admissible under this Section is to be multiplied by a fraction, the denominator of which is 30, or, for officers entitled to the benefit of Section 118 (*a*), 27, and the numerator, the number of years' service completed not exceeding 30, or, for officers entitled to the benefit of Section 118 (*a*), 27. The limit of Rs. 2,000, Rs. 3,000, Rs. 4,000, or

* The Governor General in Council observes that the admission into the Service of Government of other than young men tends to throw upon the State an undue liability for pensions.

2. His Excellency in Council is accordingly pleased to declare that, as a general rule, no person should be admitted into the Uncovenanted Service of Government after he has attained the age of twenty-five years. But if, for special reasons, any one is, after this date, admitted at a later age, then, in the event of his being required to retire, under the operation of any Rule for the removal of officers from the Service as superannuated on their attaining a particular age, the pension to which he would, but for this Rule, be entitled, shall be reduced in the proportion which the number of years of pensionable service which he has completed bears to thirty years, the full period required for a Good Service (Retiring) pension.—(*Government of India, Financial Department, No. 423, dated 20th January 1871.*)

I am directed to acknowledge the receipt of your letter No. 816, dated 13th June 1871, inquiring whether the Rule of 20th January 1871, prohibiting the employment in the Uncovenanted Civil Service of persons above the age of 25 years, except on special grounds, is to be applied to the case of persons who having voluntarily resigned the Service, seek to obtain re-admission.

2. In reply, I am desired to say that, so far as regards the re-admission of persons so situated, it is a question for the Officer appointing to determine, and, probably, previous service, if it proved the capacity of the person, might be a special reason for employment.

3. In the case of re-employment of such persons, the Rule for the reduction of pension will apply.

4. In regard to this Rule, it should be remarked that it imposes no "specified disadvantage as regards pension," but only prevents the undue advantage which the persons to whom it applies would otherwise obtain by being permitted to earn a full pension by a service of less than thirty years.—(*Government of India, Financial Department, to Government of Madras, No. 2065, dated 15th July 1871.*)

The Governor General in Council desires to draw the attention of the Comptroller General, the Director General of the Post Office of India, the Mint Masters, Calcutta and Bombay, the several Accountants General, and the several Deputy Accountants General in independent charge, to Resolution No. 423, dated 20th January 1871, by which the admission into the Uncovenanted Service of any person after the age of twenty-five years was discouraged.

There is reason to believe that sufficient attention is not paid to the Rule contained in this Resolution, and His Excellency in Council would remind Heads of Departments that men of advanced age ought never to be admitted to the Government Service, except upon public grounds of a special character.—(*Government of India, Financial Department, No. 1047, dated 5th July 1877.*)

Section 115.

Substitute the following for the "Proviso" under this section :—

Proviso.—If an officer's qualifying service began after the 20th January 1871, and after he attained the age of thirty years, then the pension admissible under this section shall be reduced by one-fortieth for every year or part of a year by which his age exceeded thirty years. Gratuities are not subject to any reduction, and in the case of pensions, the fixed limits are to be applied before, and not after, making the reduction.—(227) (Finance Department Order No. 414, dated the 25th January 1888.)

Section 115.

Rule 2.

Substitute the word "person" *for* "practising Pleader" *in line 4 of this rule.*

(184) (Finance Department Order No. 2394, dated 6th May 1887.)

Section 115, Rule 1.

Substitute the following for the last eight words of the Rule :—

"if the officer entered the service of Government after he attained the age of 25 years."

(12) (*No. 1223, dated 23rd May 1884.*)

Section 115.

Rule 2.

Add :—

The orders in the footnote on page 62 do not apply also to the officers described in the Exception to the Proviso, who may be appointed if not more than 28 years of age.—(157) (Finance Department Order No. 2643, dated 20th August 1886.)

SUPERIOR SERVICE.

Rs. 5,000 is to be applied before, and not after, this multiplication.

Proviso applies to superior pension of an inferior officer promoted.

1. This Proviso applies also to the Superior pension of an officer promoted from Inferior to Superior service after the 20th January 1871 and after he is twenty-five years old.

Pleader appointed to a Judicial office.

2. By the orders quoted in the foot-note on page 62, a person whose age exceeds twenty-five years may not ordinarily be admitted into the Uncovenanted Service of the State; but these orders do not apply to a practising Pleader appointed to a Judicial Office, who may be appointed if not more than thirty years old. Moreover, the Local Government may, for the purposes of the Proviso, at its discretion, add to the number of years' service completed by such an officer, the period during which he has actually practised as a Pleader, not exceeding three years in all.

Retiring pension.

116. A RETIRING PENSION may be granted for SUPERIOR QUALIFYING SERVICE as follows:—

After a service of not less than thirty years:—

Amount.

The same in amount as an Invalid pension admissible after twenty-five years' service.

Extension of the maximum.

117. In the following cases the several prescribed maximum limits of Rs. 2,000, Rs. 3,000, Rs. 4,000, and Rs. 5,000 a year may be relaxed:—

(*a*)—For an officer whose Average Emoluments exceed Rs. 10,000 a year, and who entered the Service before the 19th May 1855, or whose salary, before the 6th August 1862, exceeded Rs. 10,000 a year, the maximum pension is ordinarily Rs. 5,000 a year. But if the service of such an officer has been *of extraordinary merit*, a pension exceeding Rs. 5,000 a year may be recommended for the sanction of the Secretary of State.

(*b*)—To an officer who entered the Service before the 19th May 1855, but whose Average Emoluments do not exceed Rs. 10,000 a year, the Secretary of State, on the recommendation of the Government of India, sometimes grants a Special pension in excess of the prescribed maximum for *unusually meritorious services.*

(*c*)—For a Native Judge (*see Appendix B1*) who was in the Service on the 29th October 1866, the limit is ordinarily Rs. 5,000 a year.

[NOTE.—The limits which may be relaxed under the foregoing Rules are the *maxima money limits*, and not the limits of one-third or one-half Average Emoluments.*]

* 3. You enquire whether it is open to your Government, under Section 117 of the Civil Pension Code, to recommend to the Home Government the grant of Special pensions, not only in excess of the money limits prescribed by the

CHAP. IX.

SUPERIOR SERVICE.

Privileges in counting service.

Uncovenanted Officers. Amount of Pension.

118. In the following cases certain privileges exist in respect of the length of service required for pension:—

(*a*)—To an officer, not being a native of Asia, whose qualifying service began after twenty-five years of age, and whose whole service for which pension is claimed has been passed in one or other of the following offices, pension is admissible after three years' less service than is required from other officers:

Educational Officers.

Directors of Public Instruction.
Inspectors of Schools.

Rules, but also in excess of the limits of one-third or one-half of Average Emoluments, as the case may be.

4. The Pension Code published by you merely embodies existing Rules as to the grant of pensions, and interpretations thereof, and is intended for the guidance and information of your officers; but it can scarcely be held to absolutely preclude your Government from making any special representation to the Secretary of State you may see fit in any particular case.

5. The inconvenience, however, of recommending Uncovenanted Servants for Special pensions unauthorised by the Rules was pointed out in paragraphs 8 and 9 of the Financial Despatch, dated 30th September 1863, No. 174,[1] and I see no reason to modify the opinion therein expressed.—(*Secretary of State, No. 401, dated 24th September 1872.*)

[1] 8. I take this opportunity of calling your attention to the practice of recommending Uncovenanted Servants for Special pensions. The Code of Rules, which was published on the 4th of January 1831, prescribed that "the rates of pension shall be fixed on a graduated scale, within the prescribed limitations, with reference to the responsibility and arduousness of the employment, the degree of merit of the individual, and the nature and length of his service;" and, in my Financial Despatch of the 8th of December 1862, No. 205, I observed (*paragraph* 9) that "pensions of the full amount stated are to be granted only as the reward of approved service." It appears, however, to be the custom of Heads of Departments in India to recommend, in nearly every case, the full amount of pension which the Rules permit; and whenever the service rendered has been at all above the average character, a special pension is recommended in excess of that which the Rules authorise.

9. It cannot be too strongly insisted upon, and made known to the whole body of Uncovenanted Officers, that the full pension authorised under the Rules is not to be given as a matter of course, but only when the service performed has been really such as to merit the approval of Government, and this should be invariably kept in view in considering recommendations for pension. It is easy for your Government to keep within the limits which the Rules authorise; but there is a manifest inconvenience in the Home Government refusing to grant a Special pension which may have been submitted to them with the weight which must always attach to a recommendation by your Government.—(*Secretary of State, No. 174, dated 30th September 1863.*)

2. I authorise you to grant Lieutenant A. B. the higher pension of a Deputy Commissary, in lieu of that of an Assistant Commissary, to which only he is entitled under the Regulations. I desire, however, to express my general disinclination to increase the Non-effective charges by the grant of any pensions in excess of what the Regulations of the Service provide, save in cases of very exceptional and distinguished service. Mere length of service, however faithfully performed, is not, I consider, in itself a sufficient ground for exceptional reward.—(*Secretary of State, No. 92, dated 8th March 1877.*)

4. The recommendations for the grant of pensions in excess of the amount admissible under Rule have of late been frequent, and it appears to have been occasionally overlooked that service of an approved character does not give an officer a claim to a Special pension, but, as pointed out in the Despatch of 1863, above referred to, is the condition on which the grant of a pension of the full amount authorised by the Regulations should depend.—(*Secretary of State, No. 218, dated 30th June 1880.*)

Superior Service.

Principals and Professors of Colleges.
Head-masters of Colleges and High Schools.

Barristers.

Barristers serving in offices, other than those mentioned in Section 119, to which the Local Government has, with the consent of the Government of India, declared it to be necessary to appoint Barristers.

[Note.—The only office concerning which this declaration has been made is that of Deputy Superintendent and Remembrancer of Legal Affairs, Bengal.]

Officers appointed before June 1863.

(*b*)—An officer appointed before the 8th June 1863 may, at the discretion of the Local Government, be allowed to count service for Invalid pension according to the Rules contained in Appendix B1; provided that he has not at any time availed himself of any advantages under the Leave Rules which came into force on the 8th June 1863. This proviso does not give an officer the option of the Leave Rules which were in force before the 8th June 1863. Whatever leave he requires must be taken under the Rules in force when it is granted; but if he desires to retain the benefit of counting service for pension in accordance with the Rules contained in Appendix B1, he must abstain from availing himself of so much of the advantages of the Rules under which leave is granted to him as may be in excess of what he could have claimed under the Rules in force before the 8th June 1863. The concession herein granted applies only to counting service for pension; the *amount* of the pension must be calculated in accordance with the Rules in Sections 112—117.

Example.—An officer has served Government for twenty-one years, of which five years were passed before he was twenty-two years old, and two years were passed on leave on medical certificate under the Rules of 1856. His service, calculated under the Rules, is only fourteen years, the rest being excluded by Sections 67 and 97, and he would not be entitled to pension under Section 113(*b*); but under the Rules in Appendix B1 the whole twenty-one years would count, and he would be entitled to pension, under Section 113(*b*), having completed the twenty years' service required by the Rules in Appendix B1.

Native Judges.

(*c*)—Native Judges who were serving as Judges on the 29th October 1866, and who were entitled to exceptional advantages under the Rules in Appendix B1, may count service for one-third and one-half pension in accordance with the Rules in Appendix B1.

Lucknow Garrison.

(*d*)—Uncovenanted Officers who served in the Garrison of Lucknow during the Siege in 1857, count one year's additional service.

Civil Engineers.

(*e*)—The Government of India may, in special cases, add a period, not exceeding three years, to the service of any Civil Engineer appointed to the Public Works Department before the 1st November 1873, with initial

INFERIOR SERVICE.

rank higher than that of a First Grade Assistant Engineer. This concession will not, however, be granted to any officer taken over, directly or indirectly, from one of the Guaranteed Railway Companies who received a bonus on leaving the service of the Company.

Barrister appointments.

119. To the following officers, being Barristers and not being Covenanted Civil Servants, *viz.*,—

Judges of the Chief Court of the Punjab;
First Judges of Small Cause Courts of Presidency towns;
Recorder of Rangún;
Secretary to the Government of India in the Legislative Department;

special pensions are admissible as follows:—

(*a*)—After not less than six years and nine months' Active Service in one or other of the Offices specified in this Section,—an Invalid pension of £300 a year.

(*b*)—After not less than eight years and eight months' such service,—an Invalid pension of £500 a year.

(*c*)—After not less than eleven years and six months' such service,—a Retiring pension of £750 a year.

Active Service.

1. Active Service here includes, besides time spent on duty, whether in substantive or acting service, Privilege leave, Subsidiary leave, and periods of vacation during which the officer is not on Furlough or Extraordinary leave.

Ordinary Rules apply in other circumstances.

2. Except as provided by this Section, these officers come under the ordinary Rules.

Dockyard and Military Artificers.

120. A Dockyard or Military Artificer whose qualifying service, excluding interruptions of and absence from duty of *every* kind, amounts to not less than twenty-five years, may be granted a Compensation or Invalid pension not exceeding three-fourths of the pension to which he would be entitled if his service on pay exceeding ten rupees were reckoned as Superior.

For Inferior Service.

121. For INFERIOR QUALIFYING SERVICE, pension may be granted as follows:—

Compensation and invalid gratuity.

(*a*)—Compensation and Invalid GRATUITY:

after a service of less than 5 years,							—*Nil.*	
not less	than	5	years,	but less	than	10	years,—3 months'	pay.
,,	,,	10	,,	,,	15	,,	—4	,,
,,	,,	15	,,	,,	20	,,	—5	,,
,,	,,	20	,,				—6	,,

SERVICE PARTLY INFERIOR AND PARTLY SUPERIOR.

(*b*)—Compensation and Invalid PENSION:

Compensation and invalid pension.

After a service of not less than 30 years,—Half-pay not exceeding four rupees a month.

Average pay.

1. If the pay of an officer has been reduced during the last five years of his service otherwise than as a penalty, his gratuity or pension under this Section may, at the discretion of the Local Government, be calculated upon the average of his pay during the last five years of his service.

Special cases.

2. In special cases the Government of India grants more than half-pay, but never more than four rupees a month.

Service before the age of sixteen.

3. Service rendered before the age of sixteen years does not count.

Subject to proviso as to appointment after a certain age.

4. The proviso under Section 115 applies to the Invalid pension of an Inferior servant, if he is invalided on account of incapacity for further service due to old age or natural decay from advancing years (*see Note under Section* 113). The service of such an officer appointed after the 1st April 1880 and after he attained the age of forty years does not qualify for pension or gratuity of any kind.

Premature invaliding discouraged.

5. An officer should not, without urgent necessity, be invalided when he has nearly completed 30 years' service: the Government cannot undertake to overlook a deficiency of service resulting from an officer being prematurely invalided. The principle of this Rule applies to all analogous cases.

For service partly Inferior and partly Superior.

Pension or Gratuity admissible on Superior or Inferior scale.

122. An officer whose service has been for some time Inferior and for some time Superior, may either count the whole as Inferior towards pension on the Inferior scale, or the Superior portion only towards pension on the Superior scale (*see Note under Section* 110, *Rule 1; also Rule 1 under Section 115*). A gratuity on the Superior scale under this Section is calculated upon the Emoluments which the officer drew when last in Superior service. A gratuity on the Inferior scale is calculated upon the pay (whether on the Superior or Inferior scale) which he drew immediately before his retirement. If an officer has been reduced from the Superior to the Inferior class for misconduct, he cannot have the benefit of this Section without the special permission of the Local Government.

Promotion from inferior to superior grade.

123. The claims of an officer promoted from an Inferior to a Superior grade as a reward for meritorious service, will be specially considered by the Government of India.

Strict interpretation.

1. This Rule is to be strictly interpreted, and a claim under it can be founded only on exceptional promotion made out of the ordinary course.

Condonation of deficiency in term of qualifying service.

124. (1) Upon any conditions which it may think fit to impose, the Government of India, or, if the pension be a Provincial charge, the Local Government, may, in all cases, condone a deficiency of three months in qualifying service. If the pension is an Imperial charge, the Local Government may not condone a deficiency of more than one month.

(2) (*a*) If, besides his qualifying service, an officer has rendered service (actual) paid from the General Revenues, but not counting for pension,

or, if an officer claiming a pension for Superior service, has also rendered Inferior service,

the Government of India, or, if the pension be a Provincial charge, the Local Government, may condone a deficiency in the officer's qualifying service not exceeding half his non-qualifying, or, as the case may be, Inferior service, and, also, not exceeding 12 months in all.

(*b*) If the pension is an Imperial charge, the Local Government may, in these cases, condone a deficiency not exceeding one-fourth the officer's non-qualifying, or, as the case may be, Inferior service, and, also, not exceeding three months.

[NOTE.—The two clauses of this Section are alternative and not cumulative.]

CALCULATION OF PENSION.

Holding more than one appointment.

125. If an officer has held more than one appointment, in respect of each of which, if he had held it separately and alone, pension would have been admissible to him, the pension admissible to him is the sum of the several pensions which would have been admissible to him if he had held each office separately and alone. The consolidated pension thus admissible is subject to the limitations prescribed in Section 113 (*b*) and (*c*).

Service in conjoint offices

126. An officer is not entitled, for service in an office conjointly with another office, to any pension which would not have been admissible to him if he had held the office separately and alone.

Section 124.

Add the following as "NOTE (2)" *under this section:—*

NOTE (2).—The provisions of this section do not apply to pensions granted on the graduated scale (section 113).—(227) (Finance Department Order No. 414, dated the 25th January 1888.)

127. An officer cannot count the following allowances :— Allowances which do not count.

(1)—Local allowances, including allowances given for duties performed in addition to the work of a regular appointment; (2)—Messing allowances, Working allowances, and Provision allowances to officers in the Marine Department; (3)—House-rent allowance, or estimated value of free quarters; (4)—Tour and other allowances (to officers who accompany the Viceroy or any Government); (5)—Compensation for dearness of provisions.

1. When an officer in permanent employment is deputed on temporary duty he cannot count his additional Deputation allowances.—(*Section 75.*) Deputation allowances.

2. But this Rule does not apply to an officer deputed temporarily to service in the Income Tax Department, or to an officer deputed, on abolition of his appointment, to special duty (*Section 76*), or to an officer who, when his appointment was abolished, was on special duty. In these cases the full allowances are counted. Exception.

3. If an officer who is temporarily transferred to Foreign service does not pay any contribution under Chapter III, he cannot count for the time passed in such service higher pay than he had when he was transferred to it. Foreign service.

128. Any part of an officer's pay or emoluments which is specially intended to provide for expenses incidental to his duty, must be excluded: Net emoluments only to be taken.

Examples.—(1.) When an officer's pay is intended partly to cover the expense of his providing or keeping a horse, his pay must be taken only at what it would be if it was not intended to cover such expense. When a water-carrier's pay includes provision for a bullock, his pay must be taken at what it would be if he were not required to keep a bullock.

(2.) When a consolidated pay specially includes Tentage, Travelling allowance, or House allowance, these must be deducted. Tentage, &c must be excluded.

(3.) The commission paid to a Thoogyee in British Burma goes in part to pay expenses incidental to his office. In calculating Emoluments or Average Emoluments, for pension purposes, 2½ per cent. on a Thoogyee's commission, if the average commission of the last five years of his service exceeds Rs. 600 a year, is deducted, as representing the expenses of his office; and pension is computed upon the remainder. No deduction is made if the average commission of a Thoogyee for the last five years of service does not exceed Rs. 600 a year; in such cases the pension is computed upon the total amount of such average commission. Thoogyee's emoluments.

(4.) When an officer's pay is fixed at two rates, a smaller rate during stationary duty and a higher rate during periods passed on tour or travelling, the former rate alone should be the basis of the calculation. Two rates.

APPLICATIONS FOR PENSION.

Service-books to be kept.

129. Every NON-GAZETTED Officer holding a substantive appointment on a permanent establishment, except a Police Officer whose pay does not exceed Rs. 20, an officer in the Northern India Salt-revenue Department, or the Salt and Customs Department in the Bombay Presidency, whose pay does not exceed Rs. 10, is required to keep a Service-book, in which every step in his official life should be recorded, each entry being contemporaneously attested by the Head of his office, For officers of the Northern India Salt-revenue Department, and the Salt and Customs Department in the Bombay Presidency, whose pay does not exceed Rs. 10, a Roll must be kept, such as is prescribed in Section 153 (*a*) for the Police.

If the officer is himself the Head of an Office (*e.g.*, a Deputy Post Master or a Sub-Inspector of Police), the contemporaneous attestation should be made by his immediate Superior.

[NOTE.—The Director General of the Post Office of India may exempt from the operation of this Rule runners, coolies, and other inferior servants in the Post Office Department for whom he considers service-books unnecessary.]

Form.

1. The opening page should be divided for entries in the following form:—

(1.)—Name. (2)—Race. (3)—Residence. (4)—Father's Name and Residence. (5)—Date of birth by Christian era as nearly as can be ascertained. (6)—Exact height by measurement. (7)—Personal marks for identification. (8)—Signature of officer. (9)—Signature and designation of the Head of the office or other Attesting Officer.

The entries in this page should be renewed or re-attested at least every five years.

2. The remaining pages should be divided for entries in the following form:—

(1)—Name of appointment. (2)—Whether substantive or acting, and whether permanent or temporary. (3)—If acting, here state the substantive appointment. (4)—Pay. (5)—Acting allowance. (6)—Date of appointment. (7)—Signature of officer. (8)*—Reference to any recorded punishment or censure, or reward or praise, of the officer. (9)—Signature and designation of Head of the office or other Attesting Officer. (10)—Date of termination of appointment. (11)—Reason of termination (such as Pro-

* Column (8) of a Service Book is to be reserved for reference to any recorded punishment or censure or reward or praise awarded to an Officer—*vide* Section 129, Rule 2, of the Civil Pension Code. (*P. W. Department's No 482 R. E., dated 25th July 1883.*)

Section 129.

Cancel this section and the "NOTE" *under it and substitute the following :—*

129. With the exceptions noted below, every non-gazetted officer holding a substantive appointment on a permanent establishment is required to keep a service book in which every step in his official life should be recorded, each entry being contemporaneously attested by the head of his office. If the officer is himself the head of an office (*e.g.*, a Deputy Post Master, or a Sub-Inspector of Police), the contemporaneous attestation should be made by his immediate superior.

Exceptions.

Police officers whose pay does not exceed ₹20.

Officers of the Northern India Salt Revenue Department whose pay does not exceed ₹10.

Officers of the Salt and Customs Department in the Bombay Presidency whose pay does not exceed ₹10.

Postmen, village postmen, runners, boatmen, and coolies in the Post Office Department.

Menial and inferior servants belonging to local offices of the Telegraph Department, for whom the Director General of Telegraphs may consider service books to be unnecessary.

NOTE.—Except in the case of runners, boatmen, and coolies in the Post Office Department, in all cases where service books are not kept, service rolls, such as those prescribed for the Police in Section 153 (*a*), should be maintained.—(223.) (Finance Department No. 6591, dated 14th December 1887.)

Section 129, Rule 9.

Insert the following Note to this Rule :—

[*Note.*—Similarly when a gazetted officer is transferred to foreign service, under the Rules in Chapter III of the Code, a copy of his service register will be sent by the Account Officer, whose duty it was to keep it, to the Account Officer who will account for the contribution, and the latter will return the register (or an extract from it), duly written up to date, when the officer is transferred to British service.]—(26) (No. 2254, dated 18th July 1884.)

Section 129.

Rule 9.

Insert the following Exception under this Rule :—

Examiners of Public Works Accounts will keep the service registers and service books of officers and subordinates of the Public Works Department transferred to foreign service, and will issue their last-pay certificates, all contributions paid into the treasuries on account of these officers being reported to the Examiners by the Civil Accountant General.—(154) (Finance Department Order No. 2177, dated the 7th July 1886.)

motion, Transfer, Dismissal, &c.) (12)—Signature of Head of the Office or other Attesting Officer.

Leave and other interruptions in service to be noted.

3. Leave of every description (except casual), every period of suspension from employment, and every other interruption in service should be noted, with full detail of its duration, by an entry written across the page, and attested by the Head of the office or other Attesting Officer.

Language in which Service-books should be kept.

4. No uniform rule can be laid down regarding the language in which Service-books should be written. But in an office the Head of which is acquainted with English, that language should, as far as is convenient, be employed. All the Headings in the Service-book, without exception, should be printed in both English and the Vernacular.

Service-book supplied on first appointment.

5. A Service-book is supplied, at his own cost, to every officer on his first appointment.

Service-book to be kept in the office.

6. The Service-book of an officer is to be kept in the office in which he is serving, and transferred with him from office to office. It may be given up to the officer if he resigns or is discharged without fault, an entry being first made therein to this effect.

Officer himself to see to Service-book being kept up.

7. It is the duty of every officer to see that his own Service-book is properly kept up, and that all erasures in it are properly attested. If the book is not carefully kept up, difficulties may arise as to verification of service, when the officer applies for pension.

Personal certificates.

8. Personal certificates of character, containing only the opinions of the writer, are not to be entered in Column 8.

Foreign Service.

9. If the officer is transferred to Foreign service under the Rules in Chapter III, he must send his Service-book to the Accountant General, who will note therein, under his signature, the orders of Government sanctioning his transfer to Foreign service, the effect of the transfer in regard to leave admissible during his Foreign service, and any other particulars which the Accountant General may consider to be necessary in connection with the transfer. If the officer is re-transferred to the British service, he should again submit his Service-book to the Accountant General, who will then note therein, under his signature, all necessary particulars connected with the officer's Foreign service.

Application for pension from non-gazetted officers.

130. An Applicant for pension, not being a Gazetted Officer, should submit to the Authority whose duty it would be to fill up his appointment, if vacant, his Service-book, and a statement of the following particulars:—

(*a*)—The date, by the Christian era, on which the applicant was born. (*b*)—List of appointments, substantive and acting, held during the service for which pension is claimed, shewing, when any appointment was only an acting one, what substantive appointment was held

at the same time. The dates of the beginning and ending of each appointment should be stated, and the pay and acting allowance drawn in each. (*c*)—Dates of beginning and ending of each period of leave. (*d*)—An explanation of each interruption in service.

Application may be submitted before discharge.

1. An officer may submit his application for pension, even though he has not ceased to be borne on the establishment, if the application is supported by a certificate from the Authority whose duty it would be to fill up his appointment, if vacant, that the officer is likely, within six months, to retire from the public service. The certificate is to be forwarded to the Account Department, which Department is required then to verify the services, in accordance with the Rules under Section 131. This provision is intended to obviate delay in the verification of service; and it is not to be understood as justifying the preparation of the regular application in Form A, Appendix A, prescribed in Section 132, before the officer has actually retired.

No limitation on the period of retirement.

2. There is no limitation on the period after retirement, within which an application for pension or gratuity must be submitted.

Verification of service.

131. The Authority receiving the application should then, in communication with the Account Department, verify the services claimed.

Procedure.

1. If the service has been wholly or in part Inferior (regarding which service the records of the Account Officers are sometimes incomplete), he should first gather from official records and other sources all the information procurable. In respect to Superior service, it will be sufficient to gather, in the first place, only such information as is easily procurable.

2. The information thus received should then be forwarded to the Account Officer concerned, for information as to whether his office records bear out the applicant's statements as follows:—

For service in an ordinary civil establishment—The Accountant-General;
" " the Public Works Dept.—the Examiner of P. W. Accounts;
" " the Post Office Dept.—the Comptroller, Post Office;
" " the Telegraph Dept.—the Examiner of Telegraph Accounts;
" " the Mily. and Marine Depts.—the Contr. of Mily. Accounts;
" " the Forest Dept.—In Madras and Bombay,—the Accountant-General: elsewhere,—the Comptroller General.

3. If there be any discrepancy, the Account Officer will detail the nature of such discrepancy; for instance, that the post which the applicant states that he filled during a certain period is shewn by the Account Officer's registers to have been filled by another man.

4. If the service claimed cannot be wholly verified from the records of the Account Offices, reference must be made to the Head of the office in which the applicant states that he served during the period in doubt.

5. If it be found impossible to verify the service otherwise, the officer receiving the application should take the ~~affidavit~~ of the applicant on plain paper (*see Indian Stamp Act*, I of 1879,

Section 131.

Rule 5.

For the word "affidavit" *in this rule, substitute* "statement in writing:"—(58) (*No. 614, dated the 6th February 1885.*)

Section 132.

Add the following to the last sentence of this Section:—

(a) "except when he retires from the service while on leave in England and desires to draw his pension in England."—(181) (Financial Department Order No. 1290, dated 11th March 1887.)

Schedule II, No. 1 (*c*)), and should also collect such collateral evidence as may be procurable; for instance, certificates,* such as those given by an officer to a subordinate on his leaving an office, and the testimony of contemporary servants.

6. The Authority receiving the application must invariably record his own opinion whether the service claimed has been established, and should be admitted or not; more especially in those cases in which it becomes necessary to resort to the procedure prescribed by Rule 5, when the exact nature of the investigation made, and the conclusion at which the Authority has arrived, must be specially reported.

Form of application.

132. After completing the verification in the manner prescribed in Section 131, the Authority receiving the application should draw up the application in Form A, Appendix A, and arrange with it all the documents relied upon for verification of the service claimed, in such manner that they can be conveniently consulted, and then forward it, together with the officer's Service-book, through his Official Superiors, to the Local Government. If an applicant for pension (not gratuity) is no longer in active service, a Last-pay certificate should be attached to the application.

Certificate of character or conduct.

1. He should certify, on the application whether the character, conduct, and past services of the applicant are such as to entitle him to the favourable consideration of the Government. If the application is for pension on the Superior scale, he must be careful to enter all periods of leave, suspension, &c., which are not reckoned as service.

Leave and suspension.

Medical certificate.

2. If the application is for an Invalid Pension, and the applicant is less than sixty years old, the requisite medical certificate should be attached to the application. But if omission has been made in this respect, the Local Government may accept a certificate bearing a later date.

Gazetted Officers.

133. A GAZETTED OFFICER should submit his application through his Official Superiors to the Local Government. The application should be prepared in the Form prescribed in Section 132, either by the officer himself or by the Head of the Department in which

* The Governor General in Council has recently had under consideration a case in which a Public Officer, the Head of a Department, in granting a certificate to one of his subordinates, suppressed the true reason for which the subordinate had been removed from his appointment. Such an omission may obviously be injurious to the interests of the Public service. I am therefore directed to draw attention to the subject, and to request the issue of orders to all Public Officers, warning them to be careful, in giving certificates to their subordinates, to state the whole truth in respect of character and cause of dismissal or resignation of appointment.—*Circular, Home Department, dated 15th June 1869.*

he is serving; and the Rules under that Section apply, save that it is not necessary to have the service formally verified before forwarding the application.

Accountant General's report

134. The last officer through whom the application passes should send it to the chief Provincial Account Officer of the Department, who will (after verifying the service in the manner prescribed in Section 131) submit the application to the Local Government, with a report upon the claim for pension and the Rules applicable to the case. He will also certify the correctness of the calculations of service and of pension, and retain the Last-pay certificate (*Section 132*) unless the pension, if granted, will be payable in another Province, in which case he will forward the certificate to the Accountant General of that Province, noting in the application that the certificate has been so forwarded.

1. If the case is plainly incorrect or incomplete, the Account Officer should return it for correction or explanation.

2. In the Post Office Department, the application should go to the Comptroller in the Department, who will forward it to the Director General.

3. In the Column of Form A, Appendix A, reserved on the second page for the remarks of the Account Officer, he should note briefly his reasons for disallowing any service claimed, and his explanation of any apparent discrepancies, and the like. This Rule applies to the case of both Gazetted and Non-Gazetted Officers.

4. The Chief Provincial Account Officer of the Department should always call attention to Section 69 in his Report of the amount of pension admissible.

Offices

5. Each Account~~ant General~~ as defined in Rule 2 under Section 131, shall submit, quarterly, to the Government of India in the Department of Finance, a return of applications received and disposed of under this Section, in Form H, Appendix A.

POWERS OF THE LOCAL GOVERNMENT AND OF THE GOVERNMENT OF INDIA.

Power to grant pensions.

135. In a case falling clearly and strictly within the letter of the Rules, the Local Government may grant the pension admissible; but the grant is subject to revision by the Government of India in the Finance Department. Should the amount granted to an officer be found to be in excess of that to which the Government of India in the Finance Department considers him entitled under the Rules, he will be called upon to refund such excess.

Section 134.

Rule 5.

For the word "Accountant General" *in this Rule, substitute* "Account Officer."—(92) (Finance Department No. 2087, dated the 21st July 1885.)

Section 135.

^ *Insert the following as a "Note" under this section :—*

[NOTE.—Commissioners of Divisions in Bombay and the Commissioner in Sind have been empowered to sanction claims to pension made by men on Revenue Establishments subordinate to them drawing twenty rupees a month and less, in cases where such claims are certified by the Accountant General to be admissible under the strict letter of the Rules.]—(198) (Finance Department Order No. 3653, dated 8th July 1887.)

Add the following to the "NOTE" *under this Se*

The Director of the North-Western Railway
ered to grant pensions to such of his
been appointed by

136. If any interpretation of the Rules is involved, or if any indulgence not provided for by the Rules is proposed, the Local Government should submit the case, with its opinion and recommendation,* to the Government of India in the Finance Department, which will, if necessary, consult any other Department concerned. Until the orders of the Government of India are received, a recommendation for any special indulgence should never be communicated, directly or indirectly, to the officer concerned. Special pension.

1. The Governments of Madras and Bombay should, upon questions of pension, communicate with the Secretary of State, through the Supreme Government, and not directly. Governments of Madras and Bombay to correspond through the Supreme Government.

2. An application in Form A or D, Appendix A, as the case may be, should accompany every special recommendation made under this Section. Application in prescribed form to accompany special recommendations.

137. Returns (in Form C, Appendix A) of pensions granted during the quarter, should be submitted by the Local Governments to the Supreme Government as soon as possible after the end of each Quarter of the financial year. These Returns should include all civil pensions granted during the Quarter, under, or with reference to any Rule in Chapters IX, X and XI of this Code, in whatever Department, by the Government of India or the Secretary of State, as well as by the Local Government, or by the Inspector General of Police, care being taken, however, to enter each pension once only. The Return should also include Compassionate Allowances specially granted with the sanction of the Secretary of State to officers discharged on account of inefficiency or misconduct. Quarterly statements.

138. Pensions in excess of the amounts admissible under Rule, or involving any relaxation of Rule, require the sanction of the Secretary of State.† Secretary of State.

1. When special circumstances appear to justify a departure from the Rules laid down regarding pensions to Uncovenanted Officers, it is generally desirable that the allowance granted should be an arbitrarily fixed sum, rather than any exact proportion of the amount to which it might be supposed that the Rules afford a claim. Fixed sum, rather than a proportion, to be generally awarded.

139. The Government of India is ordinarily un- Premature application.

* In respect to such recommendations, see footnote on pages 63 and 64.
† See footnote on pages 63 and 64, and footnote on page 272.

willing to pass orders on questions affecting the pension of an officer until he actually retires, because their premature discussion occupies valuable time almost always to no purpose, and uselessly. Accordingly, no question about the pension of an officer who has not retired from the Public service, should be submitted either to the Local Government, or by the Local Government to the Government of India, unless there are special reasons (which should always be set forth) for a departure from the general rule. The mere desire of an officer for a decision upon some doubtful abstract questions affecting his prospects does not justify public correspondence on his behalf. Except under orders from the Government of India or the Local Government, an Account~~ant General~~ should, as a Rule, decline to advise upon any questions connected with the claim of an officer to pension until he absolutely retires or is about to retire. Memorials which relate to such questions addressed prematurely to the Secretary of State are uniformly returned.

Preliminary application may be submitted in certain cases.

1. This Section does not prohibit the submission of a preliminary application for pension on behalf of an officer intending to retire immediately, while he is still in employ.—(*See Rule 1 under Section 130.*)

Special anticipatory pension

2. When the services of an officer are dispensed with before the necessary enquiries preliminary to the settlement of the pension to which he is entitled can be completed, the Account~~ant General~~ may, upon a declaration, as follows, by the officer, sanction the immediate disbursement of the pension to which, after the most careful summary investigation that he can make without delay, he believes the officer likely to be entitled. If the Account~~ant General~~ thinks it likely that the officer would be found entitled to a gratuity only, one-sixth of the amount of such probable gratuity may, upon a similar declaration, be disbursed to him monthly until the amount is finally settled. The settlement of such provisional payments should be made so as to admit of their disbursement not later than one month after the officer has ceased to hold his post:

DECLARATION.

Whereas the ~~Accountant General,~~ , has consented, provisionally, to advance to me the sum of Rs. a month in anticipation of the completion of the enquiries necessary to enable the Government to fix the amount of my pension, I hereby acknowledge that, in accepting this advance, I fully understand that my pension is subject to revision on the completion of the necessary formal

Section 139.

For the word "Accountant General" *in line 16 of this Section, substitute* "Account Officer."—(92) (Finance Department No 2087, dated the 21st July 1885.)

Section 139.

Rule 2.

For the word "Accountant General" *in lines 3 and 7 of this Rule, substitute* "Account Officer."

Add the following at the end of this Rule :—

"When the sanction under this Rule is given by an Account Officer other than the Accountant General, he shall send a copy of his order to the Accountant General for the issue of the requisite orders for disbursement from the Treasury concerned."—(92) (Finance Department No 2087, dated the 21st July 1885.)

Section 139.

Rule 2.

Declaration.

Strike out the word "Accountant General" *in line 1 of this Declaration, and insert after the word* "the" *the following :—*

"(Here state the designation of the officer sanctioning the advance.)"—(92) (Finance Department No 2087, dated the 21st July 1858)

Section 139.

Rule 3.

For the word "Accountant General" *in lines 8 and 11 of this Rule, substitute* "Account Officer."—(92)
(Finance Department No. 2087, dated the 21st July 1885.)

enquiries, and I promise to base no objection to such revision on the ground that the provisional pension now to be paid to me exceeds the pension to which I am eventually found entitled. I further promise to repay any amount advanced to me in excess of the pension to which I may be eventually found entitled.

3. If, upon the completion of the regular investigation, it be found that the pension thus summarily assigned differs from the pension finally settled, the difference must be adjusted in the first subsequent payments. Provided that, if a gratuity summarily assigned under this Rule proves to be larger than the amount found actually due upon completion of the enquiries, the officer shall not be required to refund any excess actually paid to him, except as provided in Chapter XIII. To enable the Accountant General to exercise the jurisdiction thus entrusted to him, the Head of the office from which the officer is removed should furnish to the Accountant General as early as possible, immediately that it becomes known to him that the officer must retire, and without waiting for his actual retirement, the fullest information that can be obtained regarding the officer's service, without correspondence which must cause delay. This information is to be furnished in anticipation of the regular investigation required by Section 131, which also should on no account be delayed. Subsequent adjustment.

4. All officers should bear in mind that delay in the payment of pensions may involve peculiar hardship, and everything should be done to prevent or shorten to the utmost such delays. Delay to be prevented.

CHAPTER X.

SPECIAL RULES FOR THE POLICE.

140. The following special Rules apply to members of Police Forces constituted under Acts XIII of 1856, XXIV of 1859, and V of 1861 of the Governor General of India in Council, Act IV of 1866 of the Lieutenant-Governor of Bengal in Council, and Acts VII of 1867 and I of 1872 of the Governor of Bombay in Council:— Organised Police Forces.

1. The Trans-Indus Police Force, though not organised under Act V of 1861, and never possessing a Superannuation Fund, is on the same footing as to pension as the legally-constituted Police. Trans-Indus Police Force.

2. Members of the Salt Preventive Force, employed on the Northern Frontier line and at the Runn Salt Works in the Bombay Presidency, though the Preventive Force to which they belong is not constituted under any Act of the Legislature, and never pos- Salt Preventive Force.

sessed a Superannuation Fund, are entitled to Pensions and Gratuities under the Rules in this Chapter. This concession applies to all members of the Preventive Force in employ on the date from which the pay of the force was revised so as to ensure a saving of half an anna in the rupee on the salaries of all the members of the force whose pay did not exceed Rs. 20 a month, and under it, all service in the force, whether rendered before or after the revision of pay, counts.

MUNICIPAL AND RAILWAY POLICE.

Municipal Police.

141. (*a*) If the Police of a town are wholly supported by, and under the control of, a Municipality, the Government has no concern with their pensions.

Subsidised Municipal Police.

(*b*) But if the Government, being interested in the efficiency of a Police Force, paid, wholly or partly, by a Municipality, the Calcutta Port Trust, or from Cantonment Funds, or from the General Revenues subsidised by a contribution from a Municipality, the Calcutta Port Trust, or from Cantonment Funds, undertakes the organisation and control of the Force, as connected with and auxiliary to the Civil Constabulary, service in such a Force qualifies. The contributions of Municipalities, the Calcutta Port Trust, or of Cantonment Funds towards the cost of the pensions of such Forces are, for the present, undetermined.

Police in Presidency towns.

1. The Police Force in the Presidency towns of Calcutta, Madras, and Bombay, and in the Municipalities in Lower Bengal, come under this Clause.

Police Forces under small Municipalities and Village Communities in Sindh.

2. Members of the Police Forces, employed by small Municipalities in Sindh, and by Village Communities in the District of Hyderábád in Sindh, are not entitled to pensions.

Railway Police.

142. Service in the Railway Police on the East Indian and the Sindh, Punjab, and Delhi Railways, and in Bombay, qualifies, though such Police are either wholly or partly paid by the Railway Companies.

East Indian Railway's contribution for the Bengal Division.

1. In the Bengal Division of the East Indian Railway, the Railway Company pay six per cent., in addition to salary, in discharge of their liability for pension. In the other Divisions another arrangement is in force.

QUALIFYING SERVICE.

Qualifying service

143. Service in any of the Police Forces mentioned

Section 140.

Insert the following as Rule 3 under this Section :—

3. Members of the Police Force serving in the Beluchistan Agency, although the Force is not constituted under any Act of Legislature, are entitled to receive pensions and gratuities under the rules contained in this chapter.—(139) (Finance Department Order No 532, dated the 30th April 1886)

Section 143.

Rule 2.

Page 79.

(a) *After* " Force " *in the second line of this rule insert :—*

and who joined the Force before the 1st April 1886, the date of the abolition of the Superannuation Fund.—(222.) (Finance Department No. 6489, dated 9th December 1887.)

Section 143.

Page 79.

Substitute the following for the last sentence in the third paragraph of the 1st foot-note to this section :—

The Fund established under Act I of 1872 of the Governor of Bombay in Council ceased to exist after the 31st March 1886; but that established under Act IV of 1866 of the Lieutenant-Governor of Bengal in Council for the Calcutta Town Police is still in existence.—(222.) (Finance Department No. 6489, dated 9th December 1887.

in Section 140, after the establishment of a Superannuation Fund* in the Force, qualifies.†

Office Establishments.

1. Members of Office establishments permitted to subscribe to the Police Superannuation Funds by order of the Government of India in the Financial Department, No. 3398, dated 27th July 1863, may count the service during which they so subscribed.

Bombay City Police.

2. Men of the Police Force of the City of Bombay, who have served the full time for pension in the Force, are, on being invalided, admitted to the benefits of the Superannuation Fund on paying up their subscriptions for the full period of their service. Under this Rule, the service of an officer in the Bombay City Police before the establishment of the Superannuation Fund counts towards pension under the Rules of the Fund if he pays up his subscriptions for the whole period of his service in the Police Force. This privilege applies only to Police officers whose pensions are determined according to the Rules of the Superannuation Fund of the Bombay City Police, and not to any officer whose pension is granted in accordance with the Rules prescribed in Sections 103—128 for the calculation of pensions for Superior service.

Exceptional privileges

144. In the following cases, members of Police

* The Superannuation Funds were Funds to which, with the exception of certain soldiers of the Sikh Darbar (*see Section 73 (e)*) and members of the Oudh Military Police, Police Officers whose pay did not exceed twenty rupees were obliged to contribute. In return for these contributions they became entitled to pensions according to the Rules of the several Funds.

Officers whose pay exceeded twenty rupees did not contribute, as they came under the operation of the ordinary Pension Rules.

By Act X of 1869, the Superannuation Funds established under Acts XXIV of 1859 and V of 1861 of the Governor General of India in Council, and VII of 1867 of the Governor of Bombay in Council, were abolished. The Superannuation Fund which had been established for the Madras Town Police under Act XIII of 1856 having been, by Act VIII of 1867 of the Governor of Madras in Council, amalgamated with that established under Act XXIV of 1859 of the Governor General in Council, was abolished with the latter. ~~The Funds established under Act IV of 1866 of the Lieutenant Governor of Bengal in Council, and Act I of 1872 of the Governor of Bombay in Council, for the Calcutta and Bombay Town Police, are still in existence.~~

In the Police Forces of which the Superannuation Funds were abolished, the pay of the men was reduced, either individually or on the average, to its previous nominal amount, less subscriptions to the Funds, the Government undertaking the liabilities of the Funds.

† I am directed to acknowledge the receipt of your letter No. 1860, dated 27th April 1876, enquiring whether Armorers, Bellows-boys, Bhistees, and Muchies, who have subscribed to the Police Superannuation Fund, should be allowed pensions according to the special Rules for the Police, or according to the Scale prescribed in Section 121 of the Civil Pension Code, and whether, in the latter case, the subscriptions recovered from them on account of the Police Superannuation Fund should not be refunded.

2. In reply, I am to say that, as a general rule, the subscriptions recovered from the employés in question should be refunded to them with interest, and their claims to pensions will then be dealt with in accordance with the ordinary Rules for Inferior servants. In the case, however, of men who have served for not less than ten years, the option should be allowed them either of receiving back their subscriptions and coming under the ordinary Pension Rules, or of continuing their subscriptions and eventually receiving pensions under the special Rules for the Police.—(*Financial Department to Bombay, No. 1051d, dated 23rd June 1876.*)

Forces have exceptional privileges in regard to pension:—

Sikh durbar soldiers

(*a*)—Soldiers of the Sikh Government to whom service was guaranteed (*see Section 73* (*e*)), and who, on the breaking up of the Punjab Military Police, were transferred from that body to the Civil Police, are, if their pay does not exceed twenty rupees, entitled to Invalid pensions at Line-rates for their service under the Sikh Durbar, and in the Military Police and in the Civil Police. Second Class Sergeants get pension as Havildars, Third Class Sergeants as Naiks, and Constables as Sepoys.

The Military Police.

(*b*)—Men who, after completing, on 3rd May 1861, four years' service in the Army, or in the Oudh Military Police, were transferred to the Oudh Civil Police, and were in this Force on the 26th January 1864, are, if their pay does not exceed twenty rupees, entitled for their service in the Army and the Military Police, and in the Civil Police, to pensions on the terms applicable to Local and Irregular troops of the rank corresponding with that which they may attain in the Police.

Mhairwara Battalion.

(*c*)—Men of the Mhairwara Battalion, who were present on parade on the 1st July 1857, and were subsequently transferred to the Ajmir and Mhairwara Police, are entitled to pension as Soldiers of the Line.

Previous service when qualifying

145. In the following cases, service rendered before enlistment in the present Police Constabulary qualifies:

Sikh Durbar soldiers and Oudh Military Police.

(*a*)—In cases (*a*) and (*b*) under Section 144, if the men subscribed to the Superannuation Fund in order to obtain the higher pensions admissible under its Rules, or if, by serving on pay exceeding twenty rupees, they have become entitled to the pension prescribed in Section 149, the previous service mentioned in Section 144 qualifies.

Men transferred on reduction of Native Army.

(*b*)—Soldiers transferred to the Police on reductions of the Native Army count their Army service.

Volunteers from the Army.

(1)—This concession does not apply to a soldier voluntarily taking his discharge from the Army and entering the Police, except as to soldiers who, under the authority of the Order in the Military Department, No. 526 E. S., dated 25th October 1880, volunteered for service in the Port Blair Police.

Punjab Police.

(2)—In the Punjab Police, men counting service under this Rule, if they were faithful during the Mutiny, when their regiments joined the rebels, are entitled to pension as Soldiers of the Line, instead of at the rates of the Superannuation Fund.

Lucknow Garrison.

(3)—Native Commissioned or Non-Commissioned Soldiers who formed part of the Garrison of

Service in the Bombay Abkari Police, before that force was amalgamated with the Bombay District Police, qualified.

Insert the following as exception "(n)" under this Section :—

"(*n*). Native commissioned officers and men of the Army, who volunteer for transfer to the new levies and Military Police raised in Burma in consequence of the annexation of Upper Burma to the British dominions, are allowed to count their army service for pension under the rules applicable to the police in that Province."—(133) (Finance Department Order No 1319, dated the 19th March 1886

Lucknow during the Siege in 1857 count three years' additional service.

(4)—Men of the Bhágalpur Hill Rangers, who, on the disbandment of the Corps, took employment in the Police, count their service in that Corps, including the period of employment in it during the time the Corps was under the orders of the Civil Department after the reductions in the Native Army made in 1861. Bhágalpur Hill Rangers

(c)—Men who were enlisted in the Central Provinces Police after discharge with gratuity from the Nágpur Irregular Force, or who were transferred to the Police from that Force, or from the Mulki Horse, count their service in these Forces, and also in the Forces of the late Rája of Nágpur. Nágpur Irregular Force.

(d)—Men who served with the 1st Regiment, Nágpur Irregular Infantry, or with the Mulki Horse, during the Mutiny in 1857, count two years' additional service. Nagpur Irregulars

(e)—Men of the Berar Police, recruited from the Hill Rangers, count their service in that Corps. Hill Rangers.

(f)—Service in the 1st Bengal Military Police Battalion and in the Oudh Military Police qualifies. Military Police

(g)—Service in Superior grades in the old Civil and Military Police (*i. e.*, as a Daroga or in any office of higher rank in the Civil Police, and as a Jamadár or in any office of higher rank in the Military Police) or in any other Department, qualifies. Previous Superior service

(h)—Service in the Special Levy, which, during the Mutiny, was organised in the Kaira District under the supervision of Mr. L. R. Ashburner, then First Assistant Magistrate of Kaira, qualifies. Ashburner's Levy.

(i)—In the North-Western Provinces, the Punjab, and Oudh (save as provided in clause *f*), men count half their service in the Inferior grades in the old Civil and Military Police. Military Police.

(k)—Men transferred from the Army to the Military Police in the years 1858—1861, preserved whatever title they had, when transferred, to pension for Army service. At the same time, service in the Military Police did not give any further title to pension, except in the cases specially mentioned above. Accordingly, men who possessed this title to pension for Army service, and were transferred from the Military Police to the Civil Police, count their previous Army service. Army Service and Military Police Service.

(l)—Pensions granted to men who count Army service under the foregoing Rules are, if their Military service was sufficient to entitle them to pension if discharged without fault, a military charge; otherwise they are a civil charge. Pension for Army Service how chargeable.

(Sn)

Break in service

146. Subject to the provisions of Chapter XIII, a Policeman on pay not exceeding twenty rupees, who re-enlists within one year after discharge or resignation, may, with the sanction of the Inspector General, count his service before such discharge or resignation.

AMOUNT OF PENSION.

Officers on pay not exceeding Rs. 20.

147. The pension admissible to an officer whose pay at date of discharge or resignation does not exceed twenty rupees, will be determined, as prescribed in Section 148, according to one of the following scales:—

Scale A.

According to the Rules of the Superannuation Fund of the Force.

1. As the Rules of the Superannuation Fund did not always provide for Compensation pension, the following orders were issued with reference to the reductions directed in 1869:—

(1)—Compensation pension should be awarded at the same rate as the Superannuation Fund Rules provide for Invalid pensions.

(2)—But if a gratuity thus awardable is less than the amount (without interest) of the officer's subscriptions to the Fund, the difference should be made up.

Scale B.

According to the Rules prescribed in Sections 103—128, for the calculation of pensions for Superior service; except that (1) all service in the Police after the age of 18 years qualifies; (2) in addition to the leave which, under Sections 96 and 97, is reckoned as service, one year's leave in fifteen years' service, and two in thirty years' service, is so reckoned.

Calcutta and Bombay Town Police.

148. (*a*) ~~The pensions of officers of the Town Police of Calcutta and Bombay are regulated by Scale A.~~

Other Police

(*b*) The pension of an officer of any other Force is regulated as follows:—

(1)—If he was in the Police before the 19th July 1871 and has served continuously since that date; by scale A or scale B, according to his election (which, by Order in the Financial Department, No. 2091, dated 19th July 1871, he was required immediately to declare):

Section 148 (a).

Page 82.

Substitute the following for Rule 148 (a) :—

The pensions of officers of the Town Police of Calcutta, and of officers of the Town Police of Bombay, who were in the Force before the 1st April 1886, are regulated by scale A.—(222.) (Finance Department No. 6489, dated 9th December 1887.)

Section 151.

Page 83.

Substitute the following for the first two lines of this section :—

Except in the case of officers of the Town Police of Calcutta, and of officers of the Town Police of Bombay, who were in the Force before the 1st April 1886, pension, &c.—(222.) (Finance Department No. 6489, dated 9th December 1887.)

Provided that, in the case of an officer who has elected to abide by scale B, such election shall not prejudice his title to count as service for pension, any leave obtained by him before his election, which, under the Rules of the Superannuation Fund, would have counted for pension.

(2)—If he was enlisted or re-enlisted on or after the 19th July 1871;—by scale B.

Exceeding Rs 20.

149. The pension admissible to an officer whose pay at date of discharge or resignation exceeds twenty rupees, is determined by the Rules which apply to ordinary Service, except that service rendered after the completion of 22 years of age, and declared by this Chapter to be qualifying, is treated as Superior service, and that the benefit of Section 146 is not withdrawn from a Police officer by reason of his being promoted to pay exceeding twenty rupees a month.

Promotion does not prejudice claim under Superannuation Fund Rules.

1. When a Police officer, by promotion to a pay exceeding twenty rupees, loses any benefit as to pension which he would have enjoyed had his pay remained unchanged, his pension may be regulated as if he had not received the promotion.

Superior service before establishment of Superannuation Fund in Bombay.

2. Men of the Bombay City Police count as Superior their service in the Force in Inferior grades before the establishment of the Superannuation Fund.

Previous Inferior service.

150. If part of an officer's continuous service qualifies for pension under the General Rules in Chapter IX, but does not qualify under the Rules in this Chapter, he may elect to receive, in lieu of the pension admissible under the Rules in this Chapter, such pension as is admissible to him under Sections 121 and 122 for the whole of his service, both Inferior and Superior (*see Note under Section 110, Rule 1, page 57*).

Example.—An officer who was transferred to the present Civil Police from an Inferior grade in the Old Police, or from the Military Police, and who is not entitled, under Section 144 or 145 to count former service, may obtain pension under this Section.

If gratuity elected.

1. An officer who, under Section 148 (*b*) (1), has elected to abide by scale B, will, if he takes gratuity under this Section, obtain, in lieu of the scale prescribed in Section 121 (*a*), one month's pay for every complete two years of service, but not more than twelve months' pay in all.

To be calculated on net pay.

151. ~~Except in the case of the Town Police of Calcutta and Bombay (*Section 148 (a)*), pension~~ is to

be calculated upon the net pay, *i.e.*, the pay actually received by the officer, and not upon the gross pay, *i.e.*, the pay from which were deducted the subscriptions to the Superannuation Funds (*see first foot-note to Section 143*). But this Rule shall not, unless he be either promoted to higher pay, or degraded for misconduct to lower pay, be applied to any officer who, on the 19th July 1871, was entitled, by the Rules of the Superannuation Fund, to have his pension calculated on his gross pay.

Good Service pay does not count.

1. Good Service pay is not reckoned in calculating pension except in the case of those who, before the 19th July 1871, were members of the Police Forces of Bengal (excluding the East Indian Railway Police) or the Punjab.

Port Blair Police.

152. Members of the Port Blair Police Force are entitled to pensions and gratuities under the Rules in Sections 103—128 for the calculation of pensions and gratuities for Superior service, except that the amount of the pension or gratuity which may be granted shall not, except in the case of an Inspector, exceed three-fourths of what is admissible under the Rules in Sections 112—116.

[NOTE.—Time spent in hospital at Port Blair or Nancowry by constables and sergeants of the Port Blair Police Force, during which they receive full pay (*see Section 152, Civil Leave Code*), does not count.]

VERIFICATION OF SERVICE.

Service rolls.

153. (*a*) There shall be kept up for each District by the District Superintendent of Police, a Service Roll in English, in which shall be recorded the date of the enrolment of each man in the Constabulary; his caste, tribe, village, age, height, and marks of identification when enrolled; his rank, promotion, reduction or other punishment; his absences, from duty, on leave or without leave; the interruptions in his service; and every other incident in his service which may involve forfeiture of portions of his service, or affect the amount of his pension.

(*b*) The Roll shall be checked by the Vernacular Roll and Order Book and the Punishment Register, and every entry in it shall be signed by the District Superintendent of Police.

Section 153 (c).

Add the following as a note to this section :—

[NOTE.—This Rule does not apply to the Inspector-General of Police, Bengal.]—(119) (Finance Department Order No. 3679, dated the 23rd October 1885.)

Section 155.

Substitute the following for this Section :—

Payment of pensions shall be made in accordance with the Rules in Chapter XII; but if the disbursing officer entertains any doubt as to the identity of a police pensioner, he may require the local Inspector of Police to identify the pensioner. The Inspector would then be responsible for the correct identification of the pensioner.—(1) *(No. 1280, dated 7th March 1884.)*

(*c*) In addition to the Roll thus prescribed, the Inspector General of Police shall keep a record of all service on pay exceeding twenty rupees (except that of Gazetted officers), and shall verify the record, yearly, in communication with the Accountant General.

(*d*) From this Roll the necessary Statement of service of every applicant for pension shall be prepared, additional proofs being collected, as prescribed in Section 131, in respect of any service rendered before enrolment in the Constabulary which the applicant may be entitled to count.

Caution against abuses.

1. District Superintendents of Police should be on their guard against endeavours to retire on Invalid pension by officers who are capable of serving longer. Medical Officers should be searching in their examination of the physical unfitness of every applicant for pension, and, whenever the number of applicants for pension is large, the examination should, if possible, be conducted by two Medical Officers.

Medical Officers' examination

2. Medical Officers should confine themselves to recommending leave to such policemen as are not likely to benefit by a further stay in hospital, and should not certify that a policeman is incapacitated for further service unless they are officially requested to report upon his incapacity for further service.

POWER OF SANCTION.

Sanction.

154. A claim to pension by a Police officer, on pay not exceeding twenty rupees, only for the period of continuous and verified service in the Force in which at the time of his application he is serving, may, if admissible under the strict letter of the Rules, be allowed by the Inspector General of Police, and reported to the Accountant General with the necessary particulars for identification.

All other claims will be treated under the ordinary Rules.

Political Agent, Kathiawar, has the powers of an Inspector General of Police

1. The Political Agent in Kathiawar exercises the powers of an Inspector General of Police under this Section in respect to the members of the Kathiawar Police.

Extraordinary pension.

2. Claims to Extraordinary Pension (*see Chapter XI*), even though they may be provided for by the Rules of the Superannuation Fund, are subject to the Rules in Sections 162 and 163.

MANNER OF PAYMENT.

Payment.

~~**155.** Payment of a pension shall be made by the~~

~~Treasury Officer of the District where the pensioner resides, on a permanent Pay Order (in the case of a pension), and on the identification of the pensioner by the District Superintendent of Police; or, in Bengal, in the absence of the District Superintendent of Police, by the Assistant Superintendent or Inspector in charge. Special Committees shall be assembled every five years to identify the pensioners.~~

CHAPTER XI.

EXTRAORDINARY PENSIONS.

IN CASES OF INJURY OR DEATH.

Circumstances in which pension is admissible.

[NOTE.—The Rules in this Chapter are analogous to the Regulations for the grant of pensions to soldiers wounded in action and to the heirs of soldiers killed in action.]

To whom applicable.

156. The following are the Rules for the grant of a pension—

(*a*) to a man so injured in the execution of a public duty as to be incapacitated for earning a livelihood;

(*b*) to the family of a man killed in the execution of a public duty.

They apply to any person employed in the service of the Government, whether permanently, temporarily, or even casually, and whether remunerated by fixed pay, or (as, for example, miners in the Salt mines) for piece-work. They apply also to Village Watchmen.

Not cases of mere accident.

157. * An Extraordinary Pension is granted only when injury or death is met in the performance of a duty which is attended with extraordinary bodily risk. The Government recognises no claims on account of loss of life or bodily injury resulting from an ordinary accident.

* In an Order by the Government of India in the Financial Department, No. 3141, dated 20th September 1873, it was observed that this Rule being based upon the analogy of the Regulations for the grant of pensions to soldiers wounded, and to the families of soldiers killed in action, the Government is compelled strictly to limit its application to the cases for which it is intended to provide; and, moreover, that it is obviously inexpedient for the Government to dispense charity in individual cases, or to do anything which might weaken the inducements to officers to secure proper provision for their families.

The following are examples of cases of ordinary accident: A Policeman falling from a horse; a Policeman on escort duty killed by sunstroke; a Lascar killed by the snapping of a hawser; a Labourer falling under a burden:—

1. The Government recognises no claim by a widow on account of the services of her husband: it is the duty of every Government officer himself to provide for his family. Claim by families not admissible in ordinary cases.

2. The Government of India are almost invariably under the painful necessity of rejecting recommendations made in contravention of Rule 1; and the submission of such recommendations, save under very extraordinary circumstances, is disapproved, as calculated only to give rise to hopes which cannot be fulfilled. Submission of recommendations in contravention of Rule disapproved.

[NOTES.—(1)—In despatch No. 36, dated 17th November 1841, regarding the establishment of the Bengal Uncovenanted Service Family Pension Fund, the Court of Directors observed—"In referring to the causes which may have operated to keep back subscribers, the Directors advert to a reliance supposed to be placed on the special exercise of our bounty in favor of the families of deceased servants. Whether or not such reliance have any effect in discouraging subscriptions to the Fund, it is most important to the interests of the families of our Uncovenanted Servants that it should not be indulged. In our despatch, dated the 16th October 1839, No. 31, we called your attention to the fact that the Rules restricted the grant of pension to the family, or any member of the family, of a deceased servant, to cases where the servant shall have been killed in the exercise of his public duty, or shall have died in consequence of wounds or accidents sustained therein, except in special cases justifying extraordinary indulgence, and which are of very rare occurrence. The belief, therefore, that the fact of a person dying in our service gives his family a claim to pensionary provision (if such belief exist), is a delusion which may be productive of very painful consequences, and which, for this reason, we feel it an imperative duty to endeavour to dispel. We observe that the Committee of the Fund have taken some pains to make our views on the point generally known; and in thus acting, they have contributed not only to promote the interests of the Fund, but to render valuable service to their brethren by disabusing their minds of a dangerous error.

(2.) "Grave objections exist to the grant of special pensions to the families of Uncovenanted Servants, every such grant forming a precedent which is quoted in support of subsequent applications, with less claims to consideration."—(*Secretary of State, No. 52, dated 8th February 1870.*)]

158. A pension is granted to the family of a man killed in the execution of his duty, only if he had a wife, legitimate child, father or mother, dependent upon him for support. Claims recognised in case of death.

1. (*a.*)—If a pension is granted to a family under this Section, it is allotted for the support of the family, to the eldest surviving son; Pension to whom allotted

failing sons, to the eldest widow, for the same purpose;
failing both sons and widows, to the eldest surviving unmarried daughter, for the same purpose;
these failing, to the father, for the same purpose;
and, failing all others, to the mother, for the same purpose.

(*b.*)—To a male, pension is given as follows:—

if the pensioner is under six years of age; till he is eighteen years old:

if above six and under fifty years; for twelve years;

if not under fifty years, for life.

(*c.*)—The pension to a female is for life or until marriage; * but, on her suitable marriage, the Local Government may at its discretion grant her five years' pension as a dowry.

(*d.*)—A pension is given to only one member of each family, and no transfer of the pension to another member is permitted on its lapse either by the demise of the pensioner or for any other reason, or on its remaining in abeyance under the operation of the Rules in Chapter XIII.

[NOTE.—The words "for the support of the family" should be inserted in every order sanctioning a pension under this Section.]

Particulars to accompany application.

2. Whenever application is made for a pension under this Section, a list should be given of the names and ages of the surviving kindred of the deceased officer, as follows:—

	Name.	Date of birth by Christian era.
Sons		
Widows		
Daughters		
Father		
Mother		

If the deceased has left no son, or no widow, or no daughter, or no father, or no mother him surviving, the word "None" or "Dead" should be entered opposite to such relative.

Amount of pension

159. The amount of pension is to be regulated by

(*a*) the character and service of the injured or killed;

(*b*) the nature of the risk undergone, and the conduct of the man in accepting it;

(*c*) the nature and extent of the injury received;

(*d*) the pecuniary circumstances and prospects of the claimant.

No binding on Government.

1. The Government does not bind itself to grant pension in every case, or, if it grants pension, to grant it for life.—(*See Rules under Section* 158.)

* A Political, Extraordinary, or other pension granted in the Civil Department to a female infant, native of Asia, shall, in the absence of special orders to the contrary, last until she leaves her own family to cohabit with a husband, or, being married, attains the age of 16 years, whichever event happens first.—(*Financial Resolution No. 3767, dated 2nd November 1876.*)

Chapter XI.

Section 162.

Substitute the following for the Note after Rule 3 in this Section :—

"Gratuities paid to persons not in Government employ under Rule 2, or, if the sanction of the Government of India is required, under Rules 2 and 3, are disbursed by the officers of the Railway and charged as part of the working expenses of the Railway. Gratuities paid to Railway servants or their families under Rule 1, or, if the sanction of the Government of India is required under Rules 1 and 3, are paid by the Civil Account Officer and charged to the head 'Superannuations' on the accounts of the Civil Department"—(88) (Finance Department No. 1690, dated the 1st July 1885.)

160. Whenever a claim for Extraordinary pension arises, the Head of the Office in which the man killed or injured was employed must hold a formal inquest, taking evidence on the following matters: Preliminary inquest.

(*a*) the circumstances under which the injury was received, or the life lost;

(*b*) the relationship (in the case of a death), and the pecuniary circumstances of the claimants.

161. The Head of the Office will then submit the case, with a report, through his official Superiors to the Government, together with, in the case of a man injured, an application in the usual form (*Form A, Appendix A*), and, in the case of a man killed, a statement in Form D, Appendix A. Pension roll.

162. The Local Government may grant a gratuity not exceeding six months' pay or Rs. 100 (whichever is greater), reporting the grant as in the case of an ordinary gratuity. The Government of India may likewise grant a gratuity not exceeding six months' pay or Rs. 500 (whichever is greater.) Power of Local Governments.

1. A Local Government having State Railways under its control may grant a gratuity to any State Railway servant who may be injured, or to the representatives of any State Railway servant who may be killed, by the working of trains or engines, otherwise than through his own negligence or wilful action: Provided that such gratuity shall not exceed a sum equal to six months' pay of the servant injured or killed, or a maximum of Rs. 200. State Railways.

2. In case of an accident to a person not in Government employ, the Manager of a State Railway, or the Engineer-in-Chief of a line under construction may, after consultation with the Magistrate of the District or Sub-Division in which the accident occurred, award, promptly, any sum, not exceeding Rs. 50, approved by the Magistrate as sufficient. If the Magistrate recommends more than Rs. 50, the authority of the Local Government must be sought up to Rs. 200.

3. If the Local Government thinks Rs. 200 insufficient, a reference must be made to the Government of India.

[NOTE.—Grants under Rules 2 and 3 should be charged as part of the Working expenses of the Railway concerned.]

4. The Director General of Railways exercises the powers of a Local Government on State Railways not under Local Governments.

163. (*a*) Under special circumstances the Local Government may grant a pension not exceeding ten rupees a month, and the Government of India may grant Powers of Local and Supreme Governments as to pension.

a pension not exceeding twenty-five rupees a month, to a Government officer injured, or to the family of a Government officer killed, in the execution of his duty as follows:

(1.) To an officer wounded in the first or second degree, * a pension not exceeding full pay.

(2.) To an officer wounded in the third or fourth degree, * a pension not exceeding half pay; or if the officer is entitled to an Invalid pension of half pay under Section 113 or 121, then not exceeding three-quarters pay.

(3.) To the family of an officer killed in the execution of his duty, a pension not exceeding half the pay of the deceased officer, and not less than Rs. 2¾ a month.

(4.) These Rules apply to a Village Watchman or his family, even though he receive no pay from the State.

Duration of wound pension.

(*b*) A pension granted under clause (a) (1 or 2) will, unless the pensioner is more than sixty years old (in which case it will be permanent), continue, in the first instance, for two years only. At the end of eighteen months, the pensioner shall be examined afresh by a Medical Officer in charge of a civil station, upon whose report the Local Government will decide whether the pension shall be continued or not for a further term, or permanently, and whether the pensioner shall be subjected, or not, to further medical examination.

MILITARY SERVICE.

Civilians wounded on military service.

164. Officers and men, enrolled as Volunteers and having a military organisation, enjoy the same privi-

* *1st Degree.*—Men losing two limbs or both eyes from wounds; or being so severely wounded as to be totally incapable of earning a livelihood and to require the care and assistance of some other person.

2nd Degree.—Men losing one limb or one eye; or being so disabled as to be incapable of earning a livelihood, though not requiring the care of another person.

3rd Degree.—Men not losing a limb or an eye who have received an injury equal to the loss of a limb, or who are otherwise so disabled as to be capable of contributing in only a small degree towards earning a livelihood.

4th Degree.—Men able to contribute materially towards a livelihood, although unfit, from wounds, for the ordinary duties of the service.

MANNER OF PAYMENT.

leges in regard to compensation for wounds as soldiers of corresponding grades, unless they are entitled, under the following Rules or under special conditions of service, to higher rates:

(*a*)—An Officer of the Covenanted Civil Service wounded in action while serving (under circumstances justifying his presence) with a Military Force, will receive such compensation as may be granted by the Government of India, subject to the confirmation of the Secretary of State.

(*b*)—Any other Civil Officer of the Government will receive compensation in proportion to his salary according to the following scale:—

If his salary is—

Rs. 500	a month,	or upwards,	as a Captain.
„ 300	„	„	Lieutenant.
„ 200	„	„	Ensign.
„ 100	„	„	Subadár.
„ 50	„	„	Jamadár.
„ 16	„	„	Sepoy.

(*c*)—A person not in Civil or Military Service, wounded in action while serving (as aforesaid) with Military Forces, will receive compensation according to his station in life as compared with that of a Military Officer, each case being considered separately on its own merits by the Government of India, and compensation granted subject to the confirmation of the Secretary of State.

MUTINY PENSIONS.

Widow's Mutiny Pension

165. The widow of an Uncovenanted Officer, who receives a pension on account of her husband having been killed in the Mutiny, retains half her pension after re-marriage. Her half pension is not increased on second widowhood.

CHAPTER XII.

PAYMENT OF PENSIONS GRANTED UNDER THE RULES IN CHAPTERS IX, X, AND XI.

MANNER OF PAYMENT.

Sanction of pension.

166. The order granting a pension to be paid in India should be forwarded, with a copy of the first page of the Application in Form A, Appendix A, or of the application

MANNER OF PAYMENT

in Form D, Appendix A, as the case may be, to the Accountant General of the Province in which payment is to be made. Copy of the order should also be furnished to the Account Officer who submitted the application.

Permanent pay order.

167. The Accountant General of the Province in which payment is to be made will then communicate to the Officer who is to pay the pension authority to make the payment: in the case of a pension, such authority will be a Permanent Pay Order in Form B, Appendix A.

1. The Disbursing Officer will deliver one-half of the Order to the pensioner, and keep the other half carefully, in such manner that the pensioner shall not have access thereto.

2. Each payment made is to be entered on the reverse both of the pensioner's half and of the Disbursing Officer's half of the Order, both entries being attested at the time of payment by the signature of the Disbursing Officer. When the reverse of a Permanent Pay Order is filled up, or when the pensioner's half is found to be worn or torn, both halves should be returned to the Accountant General for renewal.

3. If a pensioner loses his half of the Permanent Pay Order, the Disbursing Officer's half should be returned to the Accountant General, in order that he may issue a new Order. The observance of Rule 2 will prevent any payment being made on the half alleged to be lost.

Pension in India payable monthly on the 1st day of the following month. Date of beginning of payment of pension.

168. A pension is payable in India monthly on the first day of the following month.

1. Apart from special orders, a pension other than an Extraordinary pension under CHAPTER XI, is payable from the date on which the pensioner ceased to be borne on the establishment, or from the date of his application, whichever is later. The object of this latter alternative is to prevent unnecessary delay in the submission of applications. The Rule may be relaxed, in this particular, by the Local Government when the delay is sufficiently explained. But the pension of an officer who, under Section 104, Rule 2, has received gratuity in lieu of notice, is not payable for the period in respect of which the gratuity is paid.

In cases of pension specially granted.

2. Rule 1 applies to ordinary, not to special, cases. If, under special circumstances, a pension is granted long after an officer has retired, retrospective effect should not be given to it without the special orders of the Government which granted it; in the absence of which special orders such a pension will take effect only from the date of sanction.

In arrears for more than six months not ordinarily payable for the first time.

3. With reference to Section 177, a pension should under no circumstances be paid for the first time in arrears for more than six months, without special orders of the Local Government.

Sections 169 (a) and (b)

Substitute the following for Sections 169 (a) and (b) :—

(*a*) As a rule, a pensioner must take payment in person after identification, by comparison with the Permanent Pay Order.

(*b*) A pensioner specially exempted by the Local Government from personal appearance, a female pensioner not accustomed to appear in public, or a male pensioner who is unable to appear in consequence of bodily illness or infirmity, may receive his or her pension upon the production of a Life certificate signed by a responsible officer of Government, or by some other well-known and trustworthy person.

(*c*) A pensioner of any description, who produces a Life certificate signed by some person exercising the powers of a Magistrate of any class under the Criminal Procedure Code, or by any Registrar or Sub-Registrar under the Registration Act, or by any pensioned officer who, before retirement, exercised the powers of a Magistrate, is also exempted from personal appearance.

(*d*) In all cases referred to in the clauses (*b*) and (*c*), the Disbursing Officer must take precautions to prevent imposition, and must, before the first payment in each year, require proof independent of that furnished by the Life certificate of the continued existence of the pensioner. For this purpose he should (save in cases of exemption from personal appearance granted by the Local Government) require the personal attendance and due identification of all male pensioners who are not incapacitated by bodily illness or infirmity from so attending, and in all cases where such inability may be alleged, he should require proof thereof in addition to the proof submitted of the pensioner's existence.—

(196) (Financial Department Order No. 3496, dated the 1st July 1887.)

Section 170.

Strike out the words—"or by a Guaranteed Railway Company" in the declaration prescribed in this Section.

(13) (*No. 1189, dated 23rd May 1884.*)

MANNER OF PAYMENT.

4. A pension is payable for the day on which the pensioner dies. To day of death.
5. At the Home treasury pensions are paid quarterly. Payment quarterly at Home treasury.

169. (a) Unless specially exempted by the Local Government, or except upon the production of a Life certificate signed by some person exercising the powers of a Magistrate of any class under the Criminal Procedure Code, or by any Registrar or Sub-Registrar under the Registration Act, or by any pensioned officer who, before retirement, exercised the powers of a Magistrate, a pensioner must take payment in person, after identification, by comparison with the Permanent Pay Order. Personal appearance at time of payment.

(b) A female pensioner who is not accustomed to appear in public, or a male pensioner who is unable to appear in consequence of bodily illness or infirmity, or is exempted from personal appearance by the Local Government, may receive his or her pension upon the production of a Life certificate signed by a responsible officer of Government, or by some other well-known and trustworthy person. In such cases, the Disbursing Officer must take precautions to prevent imposition, and must, before the first payment in each year, require proof not only of the existence of the pensioner, but also, if the pensioner is a male and has not been exempted from personal appearance by the Local Government, of his inability to attend in person to receive payment. Exemptions

1. The Disbursing Officer is personally responsible for any payment wrongly made. In case of doubt he should consult the Accountant General. Disbursing Officer responsible for wrong payment.

2. A pensioner of rank may be privately identified by the Disbursing Officer and need not be required to appear at a Public Office. Private identification of a pensioner.

170. A pensioner drawing pension in India is required to append to his bill a certificate as follows:— Certificate of non-employment.

"*I declare that I have not received any remuneration for serving in any capacity, either in a Government establishment or an establishment paid from a Local Fund* ~~*or by a Guaranteed Railway Company*~~, *during the period for which the amount of pension claimed in this bill is due.*"

[NOTE.—The expression "Local Fund" does not include an Excluded Local Fund]

1. In the case of a pensioner permitted under Chapter XIII to draw pension after re-employment, this certificate should be modified according to the facts.

CHAP. XII Payment of Pensions granted under Rules in Chaps. IX, X & XI.

PLACE OF PAYMENT

Annual return

171. An annual Return* of pensioners in Form F, Appendix A, should be sent to the Accountant General from every Office whence pensions are disbursed. The Accountant General will submit to the Government of India a consolidated abstract of these Returns in the same form; and also a Statement in Form G, Appendix A, comparing the actual rates of mortality with the probable rates calculated for Native Army Pensioners according to the table at foot of the Statement.

All pensions to be included

1. The Return should include all pensioners to whom civil pensions have been granted.

Report of death of pensioners

2. The Local Government should instruct the Police or some other suitable subordinate Agency to report promptly to the District Officer the death of any civil pensioner; and District Officers should enquire immediately into the cause of the non-appearance of any pensioner to draw his pension.

PLACE OF PAYMENT.

Payable at any Treasury

172. A pension is payable as follows:—

I.—If it is stated in Rupees—

(*a*)—At any treasury of the Government of India in India; or

(*b*)—If the pensioner is resident elsewhere than in Asia, at his option, at the Home treasury of the Government of India, at the rate of exchange fixed yearly for the adjustment of financial transactions between the Imperial and Indian Governments.

II.—If it is stated in Sterling—

(*a*)—At the Home treasury of the Government of India; or

(*b*)—If the pensioner is resident in Asia, at his option, at any treasury of the Government of India in India, at the rate of exchange fixed yearly for the adjustment of financial transactions between the Imperial and Indian Governments.

Covenanted rate of exchange.

1. The Rule for the payment at the Home treasury of a pension at the rate of exchange fixed yearly for the adjustment of financial transactions between the Imperial and Indian Governments applies to an officer under covenant, who is entitled by his covenant to pension in accordance with the Rules applicable to Uncovenanted

* See Appendix C, extract 3

PLACE OF PAYMENT.

Officers; the covenanted rate of exchange for his pay and allowances does not, unless it is expressly so stated, apply to his pension.

Payable to agents

2. A pensioner not resident in India may draw his pension at any treasury in India through a duly authorised agent, who must either produce a certificate by a Magistrate, a Notary, a Banker, or a Minister of Religion, on each occasion, that the pensioner was alive on the date to which his pension is claimed, or execute a bond to refund over-payments, and produce such a certificate as aforesaid at least once a year. The pension of such an officer should not be paid on account of more than a year after the date of the life certificate last received, and the Accountant General should be on the watch for authentic information of the decease of any such pensioner, and, on receipt thereof, should promptly forbid further payments.

Payment at the Home treasury

173. When a pension is granted to an officer who desires that payment thereof from the date of its commencement should be made at the Home treasury of the Government of India, the Accountant General who audits the pay of the officer or the pay of the establishment in which the officer has been employed, should, on receipt of sanction to the grant of pension, issue a Last-pay certificate, and forward a duplicate thereof, together with copy of the first page of application for pension and the order of the Local Government granting the pension—

In the case of a pension granted to an officer serving elsewhere than under the Government of Madras or Bombay:	To the Government of India in the Finance Department.
In the case of a pension granted to an officer serving under the Government of Madras or Bombay:	To the Government of Madras or Bombay, as the case may be:

in view to the necessary instructions being sent to the Secretary of State.

Transfer between England and India.

174. Transfer of a pension from the Home treasury to an Indian treasury is permitted whenever desired; but transfer of a pension from an Indian to the Home treasury is permitted only once.

1. An application for transfer of payment from India to the Home treasury should be made to the Accountant General within whose jurisdiction the treasury of payment is. If the transfer is admissible, he will grant a Last-pay certificate, forwarding a duplicate, with copy of the first page of the application upon which the pension was orginally granted, to the Comptroller General (or, in Bombay and Madras, to the Local Government) for transmission

PLACE OF PAYMENT

to England; if the transfer is not admissible, he will take the orders of the Government of India in the Finance Department.

2. If the pension is not wholly chargeable against the General Revenues, care must be taken to state in the certificate how it is to be charged.

3. Intimation of any revision of a pension paid at the Home treasury should be made to the Secretary of State, so as to reach him before the pensioner is informed.

Payment in a Colony.

175. * The pension of a pensioner residing in any Colony named in Schedule D may be paid there under the following Rules :—

I.—The authority for payment of a pension in a Colony shall be a Warrant in Form E, Appendix A, to be issued,—

in the case of a pension granted to an officer serving elsewhere than under the Government of Madras or Bombay, or paid from an Indian Treasury not in account with the Accountant General, Madras or Bombay ;—	by the Comptroller General.
in the case of a pension granted to an officer serving under the Government of Madras or Bombay, or paid at any treasury in account with the Accountant General, Madras or Bombay ;—	by the Accountant General, Madras or Bombay, as the case may be.

II.—When a pension is first granted to an officer serving otherwise than under the Government of Madras or Bombay, and the pensioner desires that his pension shall be paid in a Colony, or when transfer of payment of a pension heretofore paid at some Indian treasury not in account with the Accountant General, Madras or Bombay, from India to a Colony is desired, the Accountant General shall furnish all particulars to the Comptroller General, who will issue the necessary Warrant.

III.—When a pension is first granted to an officer serving under the Government of Madras or Bombay, and the officer desires that his pension shall be paid in a Colony, or, if transfer of payment of a pension hitherto paid at some treasury in account with the Accountant General, Madras or Bombay, from India to a Colony is desired, the Accountant General, Madras or Bombay, as the case may be, will issue the necessary Warrant.

IV.—Pensions stated in Indian money shall, except when it is otherwise arranged, be paid in sterling money at the rate of exchange fixed every year for the adjustment of financial transactions between the Imperial and Indian Governments. If any payments are made at a different rate, or otherwise erroneously, they should be adjusted in subsequent payments.

* Applies to pensions granted under the Rules in all the Chapters of the Code.

PLACE OF PAYMENT

V.—Every Warrant shall be issued in duplicate. The original, bearing the payee's signature, should be forwarded to the Colonial Authority concerned, and the duplicate should be made over to the payee. Each payment should be endorsed on the back of both the original and the duplicate Warrant, an acknowledgment of receipt of money being rendered by the payee. When no space for such entries remains, or when a Warrant is lost or destroyed, a fresh Warrant shall be issued by the Officer who issued the original Warrant on application being made through the Colonial Disbursing Officer.

VI.—Upon his return to India an officer should deliver up his duplicate Warrant, which will serve the purpose of a Last-pay certificate.

VII.—In case a pensioner desires transfer of payment of his pension from one Colony to another, the Government of India will recognise the proceedings of the Colonial Authorities sanctioning such transfer, which should, however, be reported separately by the pensioner to the Government of India and to the Under-Secretary of State for India.

VIII.—The Accountants General, Madras and Bombay, will forward to the Comptroller General a statement prepared for each of the quarters ending on the 31st March, 30th June, 30th September, and 31st December, showing the Warrants for pensions issued during the quarter. These quarterly statements, together with similar statements of Warrants issued by the Comptroller General himself, will be forwarded by the Comptroller General to the India Office. If any pension is chargeable, either wholly or in part, to other than Indian Revenues, the proportion chargeable to each separate source should be shown in these quarterly statements.

IX.—Payments made in those Colonies which exchange Accounts Current with the Government of India will be adjusted through those Accounts Current. Payments made in other Colonies will be adjusted in the Accounts of the Home treasury of the Government of India.

Transfer in India

176. A Local Government or an Accountant General may, on application and on sufficient cause shewn, permit transfer of payment from one treasury in India to another. This jurisdiction may be delegated by the Local Government to Commissioners of Divisions, or to any higher Executive Authority.

1. Copy of any order issued by a Local Government or other Executive Authority under this Section should be forwarded to the Provincial Accountant General, and the Collector of the District

from which the payment is to be transferred should be instructed to return his half of the Permanent Pay Order. The Accountant General will then issue a new Order to the Officer who will in future pay the pension, or, if the Officer belongs to another Province, will move the Accountant General of his Province to do so.

2. A District Officer may authorise payment in any of the outlying treasuries subordinate to his District treasury of a pension payable, under proper authority, at his Head-quarters, and may transfer the payment of a pension from such subordinate treasury to the District treasury, or from one subordinate treasury to another in the same District.

LAPSE AND FORFEITURE OF PENSIONS.

Through failing to arrears

177. If a pension payable in India remains undrawn for more than six months, the Permanent Pay Order must be returned to the Accountant General, and the pension ceases to be payable. If the pensioner afterwards appears, the Disbursing Officer may reclaim the Permanent Pay Order and renew his payments; but the arrears cannot be paid without the order of the Accountant General, and, if the amount of arrears exceeds Rs. 1,000, without the previous sanction of the Local Government obtained through the Accountant General.

Accountant General may order payment of arrears

1. If the suspension of payment is attributable to error or neglect by any Public officer, the Accountant General may direct payment of the arrears without taking the orders of the Government.

Payment on account of deceased pensioners

2. On the death of a pensioner, payment of any arrear actually due may be made to his heirs, provided that they apply within six months from his death: it cannot be paid thereafter without the sanction of the Local Government. Even if the pension has not been sanctioned before the death of the officer, the payment may be made under the orders of the authority who would have been competent to sanction the pension if the officer had not died. If an officer dies before actually retiring or being discharged, his heirs have no claim to anything in respect to the officer's pension.

Pension may be withheld on account of misconduct

178. Future good conduct is an implied condition of every grant of a pension. The Government reserves to itself the right of withholding or withdrawing a pension, if the pensioner be convicted of serious crime or be guilty of grave misconduct.

Section 177, Rule 2.

Insert the following after "Government" in the fourth line of this Rule :—

"But if the arrears do not exceed Rs. 100, and the case present no peculiar features, the Accountant General is empowered to pass the arrears on his own authority."—(35) (3198, dated 3rd September 1884.)

Section 177.

Insert the following as rule 3 under this section :—

3. Subject to the provisions of rule 2, the arrears of pension of a deceased pensioner may, if the amount does not exceed Rs. 500, be paid to the heirs of the deceased after such enquiry into the rights and title of the claimants as the Collector or other officer responsible for the payment may deem sufficient. If, however, there is any reasonable doubt in regard to the claim or title of the heirs, or if the amount due exceeds Rs. 500, the payment should be made only to the person duly authorized to receive assets belonging to the estate of the deceased.—(231) (Financial Department Order No. 1410, dated 16th March 1888.)

COMMUTATION OF PENSIONS.

179. A Life pension not exceeding Twenty Rupees a year may, at any time, on certificate of good health by the Medical Officer (Covenanted or Uncovenanted) of the District, and provided the pensioner's age does not exceed seventy years, be commuted at the rates shown in Table A in Appendix E. The pension of a pensioner whose age is more than seventy years cannot be commuted, except by special order of the Government of India. Rate of commutation.

1. If a pensioner whose pension has been commuted dies before receiving the commutation value, this value is payable to his heirs.

2. The only general Rules for the commutation of pensions are those in this Section. The Government of India is opposed to the commutation of pensions save under very exceptional circumstances; the Local Governments should invariably consult the Government of India before ordering (under Section 10 * of Act XXIII of 1871) the commutation of pensions otherwise than as provided for in this Section.

3. Rule 2 is not to be understood as interfering with the Rules issued, with the sanction of the Government of India, for the commutation of any special classes of pension in any Presidency or Province.

180. A gratuity may, at the discretion of the Government of India, or with the sanction of the Government of India, on the application of the recipient, be converted either into a Life annuity, or into a Temporary Life annuity, or into an annuity payable for a fixed number of years with remainder to the annuitant's heirs in case of his death. Commutation of gratuity to annuity.

1. The amount of the Life annuity or temporary Life annuity will be determined by Table A printed as Appendix E.

2. Except as provided in Section 103, Rule 3, the Government of India will never insist on the conversion of a gratuity into a Life annuity, or Temporary Life annuity, unless the expectation of life of the officer be reported by competent medical authority to be equal to the average.

* *Section* 10.—"The Local Government may, with the consent of the holder, order the whole or any part of his pension, or grant of money, or land revenue, to be commuted for a lump sum on such terms as may seem fit."

CHAPTER XIII.

RE-EMPLOYMENT OF PENSIONERS.*

After compensation gratuity.

181. An officer who has obtained a COMPENSATION GRATUITY, if re-employed in qualifying service, may either retain his gratuity, in which case his former service will not count for future pension, or refund it and count his former service.

Rate at which refund is allowable.

1. The intention to refund must be stated immediately on re-employment; but the refund may be made by monthly instalments of not less than one-third of the officer's salary, and also not less than the whole gratuity divided by the number of months which have elapsed since the end of the service for which the gratuity was given. The right to count previous service does not revive till the whole amount is refunded.

[NOTES.—(1.) The equity of this Rule is based upon the consideration that so long as the refund of the gratuity is postponed, the officer avoids the risk and the State loses the possibility of the gratuity lapsing absolutely to the Public treasury by the death or dismissal of the officer. A subsequent refund of a gratuity, even with compound interest, does not compensate the State for the loss of this possibility meanwhile. By Resolution No. 3047, dated 8th September 1869, the attention of all re-employed officers was pointedly called to this Rule, and a fresh and special opportunity was given to any officer then in the Service who had neglected to refund a gratuity, to repair his neglect.

(2.) The attention of every officer who is re-employed should be specially called to this Rule by the authority re-employing him, and, whenever he becomes aware of such an appointment, by the Accountant General.]

After compensation pension.

182. †(a) An officer who has obtained COMPENSATION PENSION, if re-employed, may retain his pension in addition to his pay: Provided that, if he is re-employed in a Government establishment or in an establishment paid from a Local Fund ~~or by a Guaranteed Railway Company~~, the sum total shall not exceed the pay of the appointment on abolition of which the pension was given.‡ If his re-employment is in qualifying service,

* For the Statute 35 Vic., cap. 12, which regulates the re-employment of Pensioned Civil Servants of the British Government, see Appendix C, p. 130. It does not apply to servants of the Government of India.

† See foot-note on page 101.

‡ In reply to your letter No. 168 of the 12th January last, I am directed to state that the claim against Mr. * * * for a refund of the difference between the pay drawn by him on re-employment and the pay drawn by him before retirement should be withdrawn. Section 182 of the Code simply provides that if any portion of a pension is drawn by an officer on re-employ-

Chapter XIII.

Insert the following as a footnote to the word "re-employment" *in the heading under this Chapter :—*

The rules in Chapter XIII of the Civil Pension Code regarding re-employment of pensioners require in certain cases deductions to be made from the pensions or salaries of re-employed officers. Instances have recently been brought to the notice of the Governor-General in Council in which such deductions were not made owing to the officers of Account having been ignorant of the fact that the re-employed officer had been granted a pension for previous service. The Governor-General in Council accordingly directs that in future when a person, who was formerly in Government employ, is re-employed, whether temporarily or permanently, the authority re-appointing him shall specifically state in the order of re-appointment whether he received any gratuity, bonus, or pension on retirement, and shall communicate a copy of this order to the Audit Office, and, if necessary, direct that the proper deductions may be made.—(89) (Finance Department No. 1762, dated the 3rd July 1885)

Section 181.

Add the following to Note (2) under this Section :—

"But the failure of such authority to do this will not be admitted as a ground for allowing the refund at a later date."—(46) (No. 2206, dated the 19th December 1884.)

Section 182.

Strike out the words,—"or by a Guaranteed Railway Company" in this Section. (9) *(No. 561, dated 25th April 1884.)*

he may either retain his pension (subject to the proviso above stated) in which case his former service will not count for future pension, or cease to draw any part of his pension and count his previous service. Pension intermediately drawn need not be refunded.

[NOTE.—The expression "LOCAL FUND" in this Section and in Sections 186 and 187 does not include an Excluded Local Fund.]

1. In the case of a Section Writer or Press Servant (*See Section* 77) re-employed, the pay of the appointment abolished is taken at the average earnings of the last six months of employment.

Pay in the case of a Section writer or Press servant, how calculated.

2. If an officer does not, within three months from the date of his re-employment, exercise the option conceded by this Section, of ceasing to draw pension and counting his former service, he may not, thereafter, do so without the permission of the Local Government.

Option to be exercised within a specified time

3. An officer who, under this Section, draws pension in addition to pay shall, during leave of absence from his new office, draw so much of his pension as will bring his whole allowances during leave up to the amount which would have been admissible to him if he had taken leave of the same kind under the same circumstances while holding his abolished appointment: Provided that his allowances on leave shall never be less than his pension.

Limit up to which pension should be drawn during leave.

183. * Section 182 applies to officers of the Public Works Department who retired under the terms of the Resolution in the Department of Finance, No. 2079, dated 31st July 1879, except as regards re-employment

Public Works officers retired under the special terms in the Resolution of 31st July 1879

ment, this portion of his pension *plus* his pay on re-employment shall not exceed the pay he drew on retirement. But if he draws no pension whatever, his pay on re-employment need not be limited to the pay he drew prior to retirement.

2. Any other construction of the rule would place an officer who retired with pension in a worse position on re-employment than if he had simply resigned, and this was never intended.

(*Public Works Department, to Government, Punjab, No. 425G., dated 15th March 1883.*)

* 1. In reply to your letter No. 961E., dated 26th February 1883, I have the honour to state that Section 182, Civil Pension Code, provides that if any portion of a pension is drawn by a pensioned officer on re-employment, that portion of his pension *plus* his pay on re-employment shall not exceed the pay he drew on retirement; that is to say, his pension can only be drawn in order to make up his present aggregate emoluments to what he drew at the time of his retirement. If his new pay is equal to his old, he will draw no pension; but there is no limit to the pay that he may draw on re-employment apart from pension, for it is manifest that it was not intended to place a pensioner on re-employment in a worse position than a non-pensioner.

2. As Mr. * * * has capitalised his pension, he should, under the special provisions of Section 183, Civil Pension Code, pay to Government an amount equal to the pension thus capitalised; and if he has not refunded his special gratuity, the amount thus payable to Government on account of pension should be increased by an amount equal to 5 per cent. per annum on his special gratuity. On payment of these amounts direct to Government, or on

in an establishment paid from a Local Fund. Any such officer, whether re-employed permanently or temporarily, is required on re-employment to refund the special gratuity received by him under paragraph 5, section II, clause (5), of the Resolution of the 31st July 1879; but if he does not make the refund, his pension will, for the purposes of this Section, be held to be increased by an amount equal to 5 per cent. per annum on his special gratuity. If an officer has capitalised his pension, the same deduction will, if necessary, be made from his allowances as if he had not done so.

An officer re-employed in service paid from a Local Fund may, in addition to his salary, draw his pension and retain the special gratuity received by him under paragraph 5, section II, clause (5) of the Resolution of the 31st July 1879.

After Invalid pension

184. There is no bar to the re-employment of an officer who has regained health after obtaining INVALID PENSION, or, if an officer is invalided as being incapacitated for employment in a particular branch of the service, to his re-employment in some other branch of the service. The Rules in such a case as to refunding gratuity, drawing pension, and counting service, are the same as in the case of re-employment after Compensation pension.

After Superannuation pension.

185. An officer who has obtained a SUPERANNUATION PENSION is, by the nature of the case, excluded from re-employment.

[NOTE.—An officer who is superannuated may not be re-employed on the ground that he was entitled to a Retiring pension.]

After Retiring pension.

186. An officer who has obtained a RETIRING PENSION cannot be re-employed, either in the General Service or in Service paid from a Local Fund, ~~or by a Guaranteed Railway Company,~~ except on strong public grounds, and with the express sanction of the Govern-

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deduction of these amounts from his pay bills, the amounts deducted being credited to Government, there is no restriction, so far as the Government is concerned, on the amount of pay he may draw. It will perhaps be found most convenient to realise the sums to be paid by Mr. * * * by deduction from his pay, and adjust them by credit to the Civil Department in your exchange account.

(*Letter from Accountant General, Public Works Department, to the Joint Auditor and Examiner of Accounts, Southern Mahratta Railway, No. 294E., dated 21st May 1883.*

The Chief Engineer, who may meet the Members of the Local Govt. which should be given only on their public grounds be re-employed in Service paid from a Local Fund. If so re-employed, he is permitted to retain his pension.

Section 186.

Strike out the words—"or by a Guaranteed Railway Company," in this Section.

(13) (*No. 1189, dated 23rd May 1884.*)

Section 187.

Strike out the words—"or by a Guaranteed Railway Company," in this Section.

(13) (*No. 1189, dated 23rd May 1884.*)

ment of India in the Finance Department, or, if pensions are a Provincial charge, of the Local Government. If so re-employed, he is permitted to draw pension in addition to full pay.

187. No officer may retire with the view of being re-employed, whether in the General Service or in service paid from a Local Fund, ~~or by a Guaranteed Railway Company~~, and drawing pension in addition to pay. But a soldier in civil employ, who has earned his Army pension, may continue in civil employ, on condition that his Army pension remains in abeyance so long as he is in civil employ.

Retirement with a view to being re-employed not admissible

Exception

188. An officer holding two or more separate appointments may not, save with the express sanction of the Government of India in the Finance Department or, if pensions are a Provincial charge, of the Local Government, resign one or more of such appointments on a pension, without retiring from the Public Service altogether. There is no objection to his being relieved from one or more of such appointments at any time, without being compelled to leave the Service altogether; but, in such case, any pension admissible to him for service in the office or offices from which he is relieved, will be deferred until he finally retires.

Pension to an officer holding two or more appointments to be deferred until retirement from service

1. The Rules in this Chapter do not apply to an officer pensioned on the abolition of the Indian Navy. If such an officer is re-employed, his service will be on exactly the same terms as if he had never been employed before. But, so long as he is employed, his naval pension will be held in abeyance, excepting so much of it (if any) as is necessary to raise his total emoluments to one-and-a-quarter times the amount of his pension. ~~If he has commuted his pension for a single payment, the same deduction will be made from his allowances as if he had not done so.~~

Indian Navy pension

2. But Engineers, Boiler-makers, and Warrant Officers of the Indian Navy, who were pensioned on its abolition, are permitted to draw their pensions, during re-employment, in addition to full pay.

Exception

3. A Civil, Military, or Naval Pensioner of any class may, with the sanction of the Local Government, be employed without loss of pension, on duty which is *bonâ fide* temporary, lasting for not more than a year.

Temporary employ

4. The Rules in this Chapter do not apply to a pension paid from a Police Superannuation Fund constituted by contributions from the Force. Such a pension may be drawn, without restriction, in addition to salary.

Excepted case

Extraordinary pension

5. An Extraordinary pension granted under the Rules in Chapter XI, or under Military Rules, to a Native Commissioned officer or a Non-Commissioned officer or soldier for wounds and injuries, may, in the event of the pensioner's subsequent employment in the Civil Department, be, during such employment, reduced or suspended by the Government which granted the pension.*

Native soldier's invalid pension

6. If, however, the Wound or Injury pension of a Native Commissioned officer or a Non-Commissioned officer or soldier includes an Invalid pension, he may, if the Wound or Injury pension is withheld, draw the Invalid pension in addition to civil salary.

Military Pensioners.

7. The Rules in this Chapter do not apply to a Military pensioner in civil employ; the claims of such an officer to salary and pension in the Civil Department are not affected by his Military pension; but the salary in the Civil Department of a Commissioned Military officer, not being a Native of India, whether the pay of his office be consolidated or Staff Pay, shall be reduced by the amount of any annuity, pension, or pensionary allowances, including the Colonel's Allowance, but not including a Good Service pension, which he receives in the Military Department. If he has commuted any such allowance for a single capital payment, the same deduction will be made from his civil salary as would have been made if he had not done so. The pension of the heir of a Native Non-Commissioned Military officer or soldier, or of a Medical Subordinate, will, during re-employment, merge in his salary: Provided always that an Invalid Native Commissioned officer shall receive only so much of his Invalid pension as, with his civil pay, will make his whole allowances equal to his Military pay and allowances immediately before his retirement. If, therefore, the pay of his Civil Appointment is not less than his Military pay and allowances at the date of his retirement, he receives no portion of his Military pension.

Sub-Registrar of Assurances

8. A pensioner of any class may be appointed to be Sub-Registrar of Assurances if he be remunerated by fees only.

One pension only allowed.

9. Except as provided in Rules 1, 2, and 7, an officer who, having been discharged with a pension, is subsequently re-employed, may not count his new service for a separate pension. Pension is, in any case, admissible only for the new service combined with the old, the whole being counted as one service.

Cases of neglect to refund

10. If a gratuity received for the earlier service has not been refunded, gratuity or pension (as the case may be) may be allowed for the subsequent service, on condition that the amount of such gratuity, or the present value of such pension calculated according to Table A in Appendix E, *plus* the amount of the

* The withdrawal of pension is optional with the Local Government, and it should not be withdrawn except in cases of *complete* recovery. If A B. is still capable of contributing in only a small degree towards earning a livelihood, his pension should not be withdrawn now that he is serving in the Custom House, Bombay, as he is not earning as much as he might have done had he not suffered from the wound or injury.—(*Military Department, to Bombay, No. 500 S., dated 13th September 1878*)

Section 188.

Rule 7.

^ *Insert the following as an "Exception" to this rule:—*

Exception.—The pensions of Army pensioners who enlist into the Burma Military Police are held in abeyance during the time such pensioners continue to serve in that force.

The gratuities granted to discharged soldiers enlisting into the Burma Military Police need not be refunded.—(226) (Financial Department Order No. 161, dated 11th January 1888.)

Section 188.

Rule 10.

Example (2).

In this Example substitute—

"Rupees 19,575" *for* "Rupees 18,971-14-3" *in line 6;*
"Rupees 23,575" *for* "Rupees 22,971-14-0" *in line 7;*
"Rupees 15,575" *for* "Rupees 14,971-14-0" *in line 10;*
"Rupees 119-5-6" *for* "Rupees 118-5-11" *in line 11*
(90) (Finance Department No. 2006, dated the 17th July 1885.)

Example (3).

In this Example substitute—

"Rupees 15,720" *for* "Rupees 16,092-3-0" *in line 7;*
"Rupees 23,580" *for* "Rupees 24,138-4-6" *in line 8.*
(Finance Department No. 2006, dated the 17th July 1885.)

previous gratuity, shall not exceed the amount of gratuity, or the present value of the pension that would have been admissible had the gratuity received for the earlier service been refunded. If the amount of such gratuity, or the present value of such pension, *plus* the amount of the previous gratuity, exceeds the amount of gratuity, or the present value of the pension that would have been admissible if the gratuity received for the earlier service had been refunded, the excess must be disallowed.

Examples :—

(1.) A. B., after a service of 8 years, received a gratuity of Rs. 4,800. A. B. was re-employed, but did not refund his gratuity. After serving for 5 years, A. B. becomes eligible for an Invalid gratuity of Rs. 3,000. If A. B. had refunded the gratuity for the earlier service, he would have been entitled to a gratuity of Rs. 7,200. As the gratuity admissible for the new service, *plus* the gratuity received for the earlier service, exceeds the gratuity which would have been admissible to A. B. if the gratuity for the earlier service had been refunded, A B. is entitled to receive a gratuity of Rs. 3,000 *minus* Rs. 600, which is the excess.

(2.) C. D. obtained a gratuity of Rs. 4,000 after a service of 8 years. C.D. was re-employed, but did not refund his gratuity. After serving for 16 years, C. D., at the age of 48 years, becomes eligible for an Invalid pension of Rs. 150 a month. If C. D. had refunded his gratuity, he would have been entitled to a pension of Rs. 150 a month. The present value of the pension of Rs. 150 (Rs. 18,971-14-3) *plus* the gratuity received for the earlier service, is Rs. 22,971-14-0, and as this is in excess of the present value of the pension by Rs. 4,000, the excess should be disallowed. C. D. will therefore be entitled to a pension of which the present value is Rs. 14,971-14-0, *i.e.*, Rs. 118-5-11 a month.

(3.) E. F. is removed after a service of 10 years with a gratuity of Rs. 3,000. E. F was re-employed, but did not refund his gratuity. After serving for 20 years, E. F., at the age of 56 years, becomes eligible for a Superannuation pension of Rs. 150 a month. If E. F. had refunded his gratuity he would have been entitled to a Superannuation pension of Rs. 225 a month. The present values of the pension of Rs. 150 and Rs. 225 are, respectively, Rs 16,092-3-0 and Rs. 24,138-4-6. The present value of the pension of Rs. 150, *plus* the amount of the gratuity received for the earlier service, does not exceed the present value of the pension that would have been admissible if the gratuity for the earlier service had been refunded. E. F. is therefore entitled to a pension of Rs. 150 a month.

11. The following is the Statute Law applicable to Governors General, Governors, and Members of Council :— Governor General, &c.

"Provided always and be it enacted, that if any Governor General, Governor, or Ordinary Member of the Council of India, or any Member of the Council of any Presidency, shall hold or enjoy any Pension, Salary, or any Place, Office, or Employment of Profit under the Crown or any Public Office; or* the said Company (East India Company), or any annuity payable out of the Civil or Military Fund of the said Company, the salary of his Office of Governor General of India, Governor, or Member of Council, shall be reduced by the amount of the Pension, Salary, Annuity, or Profits of Office so

(*Sic.* in original—Query "under.")

respectively held or enjoyed by him."—(*3 and 4 Wm. IV., Cap. 85, Section LXXVII.*)

[NOTES.—(1.) If an Ordinary Member of Council hold or enjoy any pension or any annuity payable out of the Civil or Military Fund, the salary of his office of Member of Councie is to be reduced under Acts 3 and 4 William IV, Chapter 85, Section 77, by thd amount of the pension or annuity held by him. A Good Service Pension enjoyed by a Military Officer comes within the meaning of pension under the Act cite above.

(2.) A Good Service Pension also comes within the "allowances" which a temporary Member of Council appointed on a vacancy occurring in the office of an Ordinary Member must forego.

(3.) The Salary of the substantive office of a temporary Member of Council appointed in the place of an Ordinary Member of Council who, by reason of infirmity or otherwise, is rendered incapable of acting, or is absent on leave, includes the Military pay or Staff Corps pay of an officer holding an appointment the pay of which is a Staff salary, but does not include a Good Service Pension. Such a temporary Member is not liable to any deduction of salary on account of Good Service Pension.]

Schedule A.

(*See Sections 45 (b) and 47.*)

Members of the Bengal Covenanted Pilot Service who, by a monthly payment of Rs. 16 each, secure pensions of Rs. 100 each for their widows, and full pensions for their children.

Ancell, F.	Dyer, J.	Reddie, T.
Anderson, G. M.	Hough, A.	Rust, R.
Barnett, J.	Hudson, E. F.	Rutherfurd, R. C.
Bartlett, S.	Lash, O.	Scott, D. J.
Broadhead, J. T.	LePatourel, J. P. B.	Sherman, J. S.
Burn, G.	Lindquist, W. H.	Smyth, C. G.
Christie, J.	Mills, C. S.	Symons, W. A.
Collingwood, C.	Milner, A. J. B.	Wawn, N. T.
Collingwood, F. F.	Philips, H. J.	Wells, J. R.
Daly, R. M.	Ralph, J.	West, W. O'B.
Doggett, T.	Ransom, S.	Williams, W. R.
Douglas, W. K.	Rayner, F. T.	Wooldridge, H. W.

Schedule B.

(*See Sections 67, 68, 96, and 114.*)

OFFICERS WHO ARE ENTITLED TO CERTAIN SPECIAL PRIVILEGES.

I.—Officers of the Public Works Department trained in the Royal Indian Engineering College at Coopers' Hill.

II.—'Stanley Engineers' of the Public Works Department, *i.e.*, Civil Engineers appointed in England in the years 1859—1871 under covenant and after competitive examination, in general accordance with Lord Stanley's Despatch No. 11 (Public), dated 9th March 1859.

III.—Other Civil Engineers appointed to the Public Works Department—

(1) By the Secretary of State, before the 1st November 1873.

(2) By competent authority in India —

(*a*) from the Civil Engineering Colleges in India,

(*b*) Others who are not of purely Asiatic descent.

IV.—Officers of the Telegraph Department specially trained in Europe under Regulations made by the Secretary of State, including the following officers who were specially trained in England to introduce the Morse system into India :—

Bignell, W. K. D.	Finch, B. T.	MacGregor, W.
Brooke, W. R.	Flindell, R. B.	Owen, H. P.
Cappel, A. J L.	Gordon, C. B. P.	Teale, F. G.
Charles, G. G.	Gosselin, G. A.	Thompson, H. E.
Dallas, R. F.	Lane, J. H.	Toulmin, W. N.

NOTE.—The following Officers of the Indo-European Telegraph Department have been admitted on special consideration to the benefit of this Schedule :—

Betts, A. S.	Mance, H. C.
Gabler, L.	Possman, J.
Harbage, A.	

V.—The following two Officers of the Agricultural Department, Madras, who are Graduates of the Royal Agricultural College, or of some other institution of equal standing :—

William Rowntree Robertson. Charles Benson.

VI.—Graded Officers of the Geological Survey Department.

VII.—Officers of the Forest Department specially trained in Europe under Regulations made by the Secretary of State.

[NOTE.—Messrs. Schlich and Ribbentrop of the Forest Department have been specially admitted to the benefit of this Schedule]

Schedule C.

(*See Section 9 (b), Rule 21.*)

	Name.	Designation.
1.	Krishnarám Laxmirám	Karkun.
2.	Laxminaráyan Shivnaráyan	Thanadar.
3.	*Chotalál Umedrám	Do.
4.	Wamonráo Bálkrishna	Do.
5.	Nathubhái Nanabhái	Do.
6.	Chotalál Girdharlál	Do.
7.	†Parvashankar Dalpatrám	Do.
8.	Kishowráo Bápují	Karkun.
9.	Gopallál Mathuradás	Do.
10.	Dubrai Kalianrái	Do.
11.	Avantirám Govindram	Do.
12.	Chaganlál Pranlál	Do.
13.	Vidyarám Ranjí	Do.
14.	Pranjivan Nathubhái	Do.

* Transferred to service under the Gondal State

† Transferred to service under the Bantwa State.

Schedule D.

(*See Section 175.*)

Officers who will pay Pensions of Officers residing in the following Colonies :—

Colony	Warrant to be addressed to
Fort Garry and Vancouver's Island	Agents, Hudson's Bay Company.
New Zealand	The Colonial Treasurer.
New South Wales	Ditto.
South Australia	Ditto.
Victoria	Ditto.
Queensland	Ditto.
Tasmania	The Agent for Imperial Expenditure.
Lagos	The Paymaster of Pensioners.
Gambia	The Staff Officer of Pensioners.
Hamilton, Canada, West	Ditto.
London, ditto	Ditto.
Montreal, Canada, East	Ditto.
Ottawa, Canada, West	Ditto.
Toronto, ditto	Ditto.
Fremantle, West Australia	Ditto.
Perth, ditto	Ditto.
Bahamas	The District Paymaster.
Bermuda	Ditto.
Cape of Good Hope, Cape Town	Ditto
Ceylon	Ditto.
China Hong-Kong	Ditto.
Gibraltar	Ditto.
Gold Coast: Cape Coast Castle	Ditto.
Honduras	Ditto.
Jamaica	Ditto.
Malta	Ditto.
Mauritius	Ditto.
Natal	Ditto.
Nova Scotia	Ditto
Sierra Leone	Ditto
St. Helena	Ditto.
Straits Settlements	Ditto
Transvaal Pretoria	Ditto
West Indies: Barbadoes	Ditto.

SCHEDULE D.

Substitute the following for this Schedule :—

SCHEDULE D.

(See Section 175.)

List of Colonial Treasurers, District Paymasters, and other Imperial Agents in the Colonies.

Station.	Designation of Agent.
Bahamas	The Acting District Paymaster.
Barbados (including British Guiana, Trinidad, &c.).	The District Paymaster.
Bermuda	The District Paymaster.
British Columbia	The Naval Store-keeper, Esquimalt Yard (British Columbia).
Canada, East, Montreal District.	The District Paymaster, Halifax, Nova Scotia.
Canada, West, London and Ottawa Districts.	The District Paymaster, Halifax, Nova Scotia.
Canada, West, Hamilton District.	The Staff Officer of Pensioners, Toronto, Canada, West, and the District Paymaster, Halifax, Nova Scotia.
Canada, West, Toronto District	The Staff Officer of Pensioners, Toronto.
Cape of Good Hope	The District Paymaster, Cape Town.
Ceylon	The District Paymaster.
Cyprus	The District Paymaster.
Falkland Islands	The Colonial Treasurer.
Fiji Islands	The Governor.
Fort Garry	The District Paymaster, Halifax, Nova Scotia.
Gambia	The Colonial Treasurer.
Gibraltar	The District Paymaster.
Gold Coast	The Acting District Paymaster, Cape Coast Castle.
Honduras	The Acting District Paymaster.
Hong-Kong	The District Paymaster.
Jamaica	The District Paymaster.
Lagos (Africa)	The Colonial Treasurer.
Malta	The District Paymaster.
Mauritius	The Acting District Paymaster.
Natal	The District Paymaster, Pietermaritzburg.
New South Wales	The Colonial Treasurer, Sydney
New Zealand	The Colonial Treasurer, Wellington.
Nova Scotia (including London, Montreal, Ottawa, and part of Hamilton Districts).	The District Paymaster, Halifax.
Queensland	The Colonial Treasurer, Brisbane.
Sierra Leone	The Acting District Paymaster.
South Australia	The Colonial Treasurer, Adelaide.
St. Helena	The Acting District Paymaster.
Straits Settlements	The District Paymaster.
Tasmania	The Agent for Imperial Expenditure, Hobart.
Transvaal	The British Resident, Pretoria.
Vancouver's Island	The Naval Store-keeper, Esquimalt Yard (British Columbia).
Victoria	The Colonial Treasurer, Melbourne.
Western Australia	The Colonial Treasurer, Perth.

Appendix A, Form A.

APPENDIX A, FORM A.—(Four pages.) (*See Sections 132 and 133, Section 136, Rule 2, and Section 161.*)

HISTORY OF THE SERVICE (SHOWING INTERRUPTION) OF

Establishment.	Appointment.	Pay.	Acting allowance.	Date of beginning.	Date of ending.	Period reckoned as service.	Period not reckoned as service.	Remarks.	How verified.	Remarks by Accountant General.
		Rs.	Rs.			Y. M. D.	Y. M. D.			
Collector of Hooghly.	Muharrir . .	10	...	1st May 1851	15th Aug. 1851	.....	0 3 15	Inferior grade	By Accountant General, Bengal.—See enclosure A.	SECOND PAGE.
Ditto . .	Ditto. . .	15	...	16th Aug. 1851	30th Sept. 1852	.....	1 1 15	Under 22 years of age.		
Ditto . .	Ditto. . .	15	...	1st Oct. 1852	7th May 1856	3 7 7	.....	.....		
On sick leave . . .		...		8th May 1856	7th Nov. 1856	.....	0 6 0	.....		
Collector of Hooghly	Muharrir . .	15	...	8th Nov. 1856	15th Jan. 1859	2 2 8	.....	.....		
Out of employ . .		...	...	16th Jan. 1859	17th Jan. 1859	.....	0 0 2	Resigned to join new appointment.		
Post Office, Burdwan.	Deputy Post Master . .	25	...	18th Jan. 1869	11th July 1865	6 5 21	... .	. ....	Comptroller, Post Office.—See enclosure B.	
Under suspension		...	...	12th July 1865	1st Sept. 1865	.....	0 1 21	Suspension adjudged as a penalty.		
Post Office, Burdwan.	Deputy Post Master . .	25	...	2nd Sept. 1865	3rd March 1868	2 6 2	.....	.....		
Ditto .	Ditto, Offg. Post Master	25	10	4th March 1868	3rd Dec. 1869	1 9 0	.....	.....		
Out of employ in consequence of abolition of appointment			...	4th Dec. 1869	1st Nov. 1870	.....	0 10 29	.....		
Judge of Nuddea.	Clerk . . .	40	.	2nd Nov. 1870	30th June 1871	0 7 29	.....	.. ...	Accountant General, Bengal,—See enclosure C.	
	Total period of superior service .				...	17 2 10				

FIRST PAGE.

APPLICATION FOR PENSION OR GRATUITY.

1. Name of applicant.
2. Father's name.
3. Race, sect, and caste.
4. Residence, showing Village and Pergunnah.
5. Present or last employment, including name of establishment.
6. Date of beginning of service . . . . . 1st May 1851.
7. Date of ending of service . . . . . 30th June 1871.
8. Length of service, including interruptions . . Y. M. D. 20 2 0
   of which Superior . . 17 2 10
   Inferior 1 5 0
   non-qualifying and interruptions 1 6 20
9. Class of pension or gratuity applied for, and cause of application.*
10. [Average] Emoluments or pay.
11. Proposed pension.
12. Proposed gratuity.
13. Date from which pension is to commence.
14. Place of payment.
15. Date of applicant's birth by Christian era.†
16. Height.
17. Marks.
18. Date

* If the application is for a Compensation pension or gratuity, the nature of the change of establishment which has given rise to the claim should be fully stated.

† (If not known exactly, must be stated on the best information or estimate.)

SIGNATURE OF HEAD OF OFFICE

THIRD PAGE.

REMARKS BY HEAD OF OFFICE.

1. As to character and past conduct of applicant.
2. Explanation of any suspension or degradation.
3. Regarding any gratuity or pension already received by applicant.—(*See Chapter XIII.*)
4. Explanation under Section 104, Rule 1, so far as the Head of the Office can give it.
5. Any other remarks.
6. Specific opinion of Head of Office, whether the service claimed is established and should be admitted or not.—(*See Section 131, Rule 6.*)

SIGNATURE.

CERTIFICATE AND REPORT OF ACCOUNTANT GENERAL.

Certified that (subject to the remarks below recorded) qualifying service in [*Inferior or Superior*] grades has been duly proved for years months days; and that a [*pension or gratuity*] not exceeding Rs. , is admissible under Section of the Civil Pension Code. The calculations have been duly verified. The (*pension or gratuity*) is chargeable to (*here specify whether to General Revenues or to what Fund*).

Accountant General.

FOURTH PAGE—(DOCKET.)

APPLICATION FOR PENSION OR GRATUITY.

Date of Application.

Name of Applicant.

Last appointment.

Class of pension or gratuity.

Amount of pension sanctioned.

Amount of gratuity sanctioned.

Date of commencement.

Date of sanction.

APPENDIX A, FORM B, *of Permanent Pay Order.—(See Section 167).*

(Obverse)

COLLECTOR'S HALF.

Place for signature of pensioner on the first payment made hereon _____

Class of pension, and date of order sanctioning it	Personal identification	Height		Date or approximate date of birth	Sect.	Residence, showing Village and Pergunnah	Amount of monthly pension
		Feet.	Inches				

ACCOUNTANT GENERAL'S OFFICE,
Calcutta, _____ *18* .

No

SIR,

Until further notice, and on the expiration of every month, be pleased to pay to A. B the sum of Rupees _____ being the amount of _____ pension, as _____

upon the production of the counterpart hereof, taking from the claimant a receipt for the amount according to usual form.

To the Collector of _____ *Accountant General.*

NOTE.—Payment under this order is to be made only to the pensioner in person, with the following exceptions —

(*a*) To persons specially exempted by the Local Government

(*b*) To females unaccustomed to appear in public, and to persons unable to appear on account of illness or bodily infirmity.

(Payment in both classes (*a*) and (*b*) is made on production of a Life certificate signed by a responsible officer of Government, or other well-known and trustworthy person (Section 169 (*b*))

(*c*) To any person sending a Life certificate signed by some person exercising the powers of a Magistrate of any class under the Criminal Procedure Code, or by any Registrar or Sub-Registrar under the Registration Act, or by any pensioned officer who, before retirement, exercised the powers of a Magistrate (Section 169 (*a*)).

PENSIONER'S HALF.

NAME OF PENSIONER _____

HEAD OF CHARGE _____

Class of pension, and date of order sanctioning it	Date or approximate date of birth	Sect.	Residence, showing Village and Pergunnah	Amount of monthly pension

ACCOUNTANT GENERAL'S OFFICE;
Calcutta, _____ *18* .

No _____

SIR,

Until further notice, and on the expiration of every month, be pleased to pay to A B the sum of Rupees _____ being the amount of _____ pension, as _____

upon the production of this order and a receipt according to usual form.

To the Collector of _____ *Accountant General.*

NOTES (1).—Payment under this order is to be made only to the pensioner in person, with the following exceptions —

(*a*) To persons specially exempted by the Local Government.

(*b*) To females unaccustomed to appear in public, and to persons unable to appear on account of illness or bodily infirmity.

(Payment in both classes (*a*) and (*b*) is made on production of a Life certificate signed by a responsible officer of Government, or other well-known and trustworthy person (Section 169 (*b*)).

(*c*) To any person sending a Life certificate signed by some person exercising the powers of a Magistrate of any class under the Criminal Procedure Code, or by any Registrar or Sub-Registrar under the Registration Act, or by any pensioned officer who, before retirement, exercised the powers of a Magistrate (section 169 (*a*))

(2) —On the decease of the pensioner, this order should be immediately returned by his family to the District Officer, with a report of the date of his decease.

APPENDIX A, FORM B, *of Permanent Pay Order.*

(Reverse.)

Reverse of Pensioner's Half — *Every separate payment is to be recorded below by the Disbursing Officer*								Reverse of Collector's Half — *This document is to be retained by the Disbursing Officer so long as the authority remains in force in such manner that the pensioner shall have no access to it. Every separate payment is to be recorded below.*							
When paid	For the month of	Amount.	Initials of Disbursing Officer.	When paid.	For the month of	Amount	Initials of Disbursing Officer.	When paid.	For the month of	Amount.	Initials of Disbursing Officer	When paid.	For the month of	Amount	Initials of Disbursing Officer

Appendix A.

Add the following form :—

APPENDIX A, FORM B (1).—(*See Rule 2, Section 40.*)

CERTIFICATE of service and residence of , a Chaplain of the Establishment, and of the amount of annuity for which he is eligible —

Total period of service	years	months	days.
Total period of residence	years	months	days.

Computed up to

(here enter the date of embarkation if that date falls within the period of subsidiary leave; otherwise the date of resignation).

Amount of annuity for which eligible £ *s* *d.*

NOTE —(If the periods of residence and service are less than 17 and 20 years respectively a medical certificate is required)

There are no demands on the books of the Government of India against

Accountant General.

Forwarded to the Secretary to the Government

N B —The above CERTIFICATE having been given on an examination of the Public Accounts up to the latest period found to be practicable on this date, is not to preclude the Government of India from claiming any amount for which the above named Officer may hereafter be found to be justly liable.—(229) (Financial Department Order No 1281, dated 7th March 1888)

APPENDIX A, FORM C.—(*See Section 137.*)

$\frac{\text{Pensions}}{\text{Gratuities}}$ *sanctioned by the Secretary of State, the Government of India or the Government of*_____

*all Departments during the Quarter ended*_____

18—.

N.B.—A separate Return should be made of each of the following classes of Pensions and Gratuities, a note being added of such of these separate Returns as are blank:—

I.—Compensation Pensions. Superior Service.—Sections 104 and 113 (*b*) and (*c*).

II.—Invalid Pensions. Superior Service.—Sections 106, 113 (*b*) and (*c*), 114, 119 and 120.

III.—Superannuation Pensions. Superior Service.—Sections 110 and 115.

IV.—Retiring Pensions. Superior Service.—Sections 111, 116 and 119.

V.—Compensation Pensions. Inferior Service.—Sections 104 and 121 (*b*).

VI.—Invalid Pensions. Inferior Service.—Sections 106 and 121 (*b*).

VII.—Compensation Gratuities. Superior Service.—Sections 104 and 113 (*a*).

VIII.—Invalid Gratuities. Superior Service.—Sections 106 and 113 (*a*).

IX.—Superannuation Gratuities. Superior Service.—Sections 110 and 115.

X.—Compensation Gratuities. Inferior Service.—Sections 104 and 121 (*a*).

XI.—Invalid Gratuities. Inferior Service.—Sections 106 and 121 (*a*).

XII.—Extraordinary Pensions.—Sections 156 (*a*), 163 (*a*), and 164.

XIII.—Extraordinary Gratuities.—Sections 156 (*a*), 162, and 164.

XIV.—Extraordinary Family Pensions.—Sections 156 (*b*) and 163 (*a*).

XV.—Extraordinary Family Gratuities.—Sections 156 (*b*) and 162.

XVI.—Compassionate Pensions. (*See Section 137.*)

XVII.—Compassionate Gratuities. (*See Section 137.*)

Column 1.—Serial number.

" 2.—Name of Recipient.

" 3.—Date of Recipient's birth by Christian era.

" 4.—Designation of last employment.

" 5.—Name of Office in which last employed.

" 6.—Date on which employment ceased.

" 7.—Character.

" 8.—Period counted as service.

" 9.—$\frac{\text{Average Emoluments.}}{\text{Pay or Emoluments at time of discharge.}}$

" 10.—Amount of $\frac{\text{monthly Pension}}{\text{Gratuity}}$ granted—

(*a*)—Chargeable to Indian Revenues.

(*b*)—Chargeable otherwise than to Indian Revenues.

(*c*)—Total of (*a*) and (*b*).

Column 11.—Remarks.—(Here note any cases where less than the full pension or gratuity admissible has been granted; also note the number and date of the Order of the Government of India or Secretary of State in cases in which the pensions and gratuities are sanctioned by the Government of India or the Secretary of State.)

APPENDIX A, FORM D.—(*See Section 136, Rule 2, and Section 161.*)

Application for an Extraordinary pension or gratuity for the family of A. B., late a _____

_____ killed in the execution of duty. Submitted by the _____

(A.)—Description of claimant.	1.—Name and residence, showing Village and Pergunnah. 2.—Age. 3.—Height. 4.—Race, caste, or tribe. 5.—Marks for identification. 6.—Present occupation and pecuniary circumstances. 7.—Degree of relationship to deceased.
(B.)—Description of deceased.	8.—Name. 9.—Occupation and service. 10.—Length of service. 11.—Pay when killed. 12.—Nature of injury causing death.
(C.)	13.—Amount of pension or gratuity proposed.
(D.)	14.—Place of payment.
(E.)	15.—Date from which pension is to commence.
(F.)	16.—Remarks.

(*Place.*)
Date.)

SIGNATURE OF HEAD OF OFFICE.

APPENDIX A, FORM E.—(*See Section 175, Rule 1.*)

Obverse.

WARRANT No._____OF 18 .

A. B. is permitted to reside and draw his pension from_____ _____commencing from_____at the following rate:—

Signature of A B. (to be entered in original only).

This certificate will be retained by A B and will be given up to the Account Office in India on his return to India Each payment will be recorded on the reverse, certified by the Paying Officer and receipted by A. B.

Reverse.

Name, rank, and description of Payee.	Period for which payment is made.	Monthly rate.			Amount.			Signature of Paying Officer.
		£	s.	d.				

APPENDIX A, FORM F.

Appendix A, Form F.

APPENDIX A.

RETURN OF PENSIONS PAID AT _____

Pension exceeding Rs. _____

[NOTE —The Return is in three parts—(1) for pensions not exceeding Rs 10 a month, (2) for

		Present age (last			
		Not more than 50 years.	51 to 60 inclusive.	61 to 65 inclusive.	66 to 70 inclusive.
1 —Number of Pensioners on the list at end of last year. Heading 9 of year's Return.					
2 —Deduct the number transferred into the next period of age					
3 —Add the number transferred from the last period of age					
4 —Number from last year thus corrected for age					
5 New names brought on the list.	By new pensions				
6 New names brought on the list.	renewal after being struck off .				
7 New names brought on the list.	transfer from other offices . .				
8 —Total of Headings 4 to 7, being total number to be accounted for . . .					
9 —Number on Pension List at end of year .					
10 Removed during the year.	By transfer to other offices . .				
11 Removed during the year.	Reported dead				
12 Removed during the year.	By non-appearance for six months .				
13.—Total of Headings 9 to 12, being total number accounted for					

NOTES —Headings 2 and 3 show the transfers rendered necessary by Pensioners passing from one of the the next preceding column

Heading 6 —Enter here any persons who, after being entered under Heading 12 of the previous admitted into the List.

Appendix A, Form F.

FORM F—(*See Section 171.*)

_____ _____DURING THE YEAR 188 -9

*and not exceeding Rs.*_____

pensions exceeding Rs. 10, but not exceeding Rs 50 a month; (2) for pensions exceeding Rs 50 a month.]

BIRTH-DAY) OF PENSIONERS.

71 to 75 inclusive.	76 to 80 inclusive.	81 to 85 inclusive.	86 and upwards.	TOTAL.	REMARKS.

periods of age into the next. Hence each entry under Heading 3 will be the same as the entry under Heading 2 in statement as having been struck off the list, on account of non-appearance for six months (Section 177), are again

APPENDIX A, FORM G.—(*See Section 171.*)

Comparison of the Rates of Mortality.

Age.	I. Pensions not exceeding Rs. 10.				II. Pensions exceeding Rs 10 and not exceeding Rs. 50.				III. Pensions exceeding Rs. 50.				Total of the three grades of Pensions			
	(2) Total number on Roll on 1st March 188 (4).	(3) Number died in 187 (4)-7 (5).	Expected deaths as per table.*	Difference between expected and actual mortality, plus or minus.	(6) Total number on Roll on 31st March 187(4).	(7) Number died in 7 (5).	Expected deaths as per table.*	Difference between expected and actual mortality, plus or minus.	(10) Total number on Roll on 31st March 187 (4).	(11) Number died in 187(4)-7 (5).	Expected deaths as per table.*	Difference between expected and actual mortality, plus or minus.	(14) Total number on Roll on 31st March 187(4).	(15) Number died in 187(4)-7 (5).	Expected deaths as per table.*	Difference between expected and actual mortality, plus or minus.
Under 50 .																
51 to 60 .																
61 to 65 .																
66 to 70 .																
71 to 75 .																
76 to 80 .																
81 to 85 .																
86 & upwards																
Total .																

Age.	Rate of mortality per cent.
Under 50	4·
51 to 60	4 5
61 to 65	6·5
66 to 70	8·

Age.	Ra mortality per cent.
71 to 75	10
76 to 80	12·
81 to 85	12·5
86 and upwards	

APPENDIX A, FORM H.—(*See Section 134, Rule 5*)

Applications for Pensions and Gratuities received and disposed of during the Quarter ended , showing also cases not disposed of.

1	2			3			4
	Disposed of during the quarter by submission in complete form to the Local Government.			Remaining undisposed of at the end of the quarter.			
Number received during the quarter.	(a) Within one month from receipt.	(b) Within two months from receipt.	(c) More than two months from receipt.	(a) Received less than two months before the end of the quarter.	(b) Received two months or more before the end of the quarter.	(c) Received during the previous quarter.	Particulars of each case not disposed of within two months from the date of receipt. (*See* entries in columns 2 (*c*) *and* 3 (*b*) *and* (*c*), with explanation of the cause of the delay)

Appendix B 1.—Old Pension Rules.

APPENDIX B.—(*See Section 97, Rule 1, Section 117, Case (c), and Section 118, Cases (b) and (c).*

1.

PENSION RULES OF 4TH JANUARY 1831.

RULES relative to the grant of Superannuation Pensions to Subordinate Officers in the Civil Department.

[NOTE.—Subsidiary and Supplementary Rules of date later than 4th January 1831 are printed in *italics*.]

Superannuation Pensions will be granted only to the Superior Classes of Public Servants indicated in the annexed List.

[NOTE.—This list is not published, as the Code sufficiently declares to whom these Rules may now be applied.]

Section 1.—Inferior servants, sowars, armed or organised peons, including jamadars and other ranks, lascars, boatmen, artificers, labourers, and menials are to have no claim to such provision.

Section 2.—With the exception of Native Judges and Law Officers, the applicant must have been employed in the Public Service for a period of at least twenty years.

Section 3.—The Public Servant, whatever may have been the period of his service, must be incapacitated for further employment, by old age, protracted ill-health, loss of sight, or other bodily or mental infirmity.

Section 4.—The character, conduct, and past service of the Public Servant must be favourably certified by the Officer or Officers under whom he may have been employed, and must appear to be such as to entitle him to the favourable consideration of Government.

Section 5.—Whenever it may be judged expedient to grant a pension to a Public Officer whose case may come within the foregoing provisions, the amount of the pension shall be limited as follows:—

Clause 1st.—If the period, during which the individual may have been actually employed in the Public Service, shall be more than twenty years, but less than thirty years, the amount of the pension shall not exceed one-third of the monthly Salary or authorised Official Allowances of such individual, calculated on an average of five years previously to the date of application for such pension.

Clause 2nd.—If the period of Actual Service shall have been thirty years or upwards, the amount of the pension shall not exceed one-half of the Salary or authorised Allowances of the individual, calculated in manner above stated.

1. Pension may be awarded on this scale to persons thrown out of employ by reduction of establishment, without their being required to produce medical certificate.

2. In a despatch from Court of Directors, No. 18, dated 5th May 1854, the following further Rule is prescribed :—

" We authorise you to grant to any Uncovenanted Servant belonging to a class recognised by the present Rules, who, though not possessed of medical certificate of incapacity, may be permitted to retire from the service, and who can produce unquestionable testimonials of a faithful, efficient discharge of his duties during a period of 35 years, a pension equal to half the average salary which he may have received during the last five years of his service. These pensions are to be regarded as the rewards of good service; they will

not, in any case, be claimable as of right, and every pension which you may see sufficient reason to grant, must be reported to us, with a statement of the grounds of your proceeding."

RULES REGARDING SERVICE.

3. The period of service must be continuous, but a break between two periods of employment, if it does not exceed twelve months, and was not caused by dismissal from Office for misconduct, will not prejudice the Officer in whose service it occurs.

4. To the following extent, leave counts as actual service :—

(a)—*All leave taken before the Uncovenanted Service Leave Rules of 1856.*

(b)—*The following leave taken under the Rules of 1856 :—*

Two out of three years obtainable on medical certificate.

Leave subsidiary to leave on medical certificate.

Privilege leave.

Leave on private affairs on half pay.

(c)—*Leave during recess on half pay granted to Native Surveyors in the Revenue Survey Department, Bengal, North-Western Provinces and the Punjab.*

5. Service before the attainment of 16 years of age does not qualify for pension.

RULES FOR CALCULATION OF PENSION.

6. "Authorised Official Allowances" include the following :—

(a)—*House-rent Allowance, or value of official residence.*

(b)—*Personal Allowance given as compensation for reduction of salary.*

The following are not included :—

(a)—*Personal Allowances otherwise than as above.*

(b)—*Horse and Tent Allowances.*

Clause 3rd.—For Law Officers and Native Judges, the period of 15 years shall be substituted for that specified in clause 1st, and 22 years for the term mentioned in Clause 2nd.

1. This Rule applies also to Principals and Head Masters of Colleges and Schools, and also to Inspectors and Professors.

2. The concession granted by the Rule applies only to cases where the whole of the prescribed period of service has been rendered in the privileged capacities.

3. Law Officers are a class which now no longer exists. The designation "Native Judges" applies to Officers in such positions as Subordinate Judge and Munsif. Goung-gyoups in Burma are also "Native Judges." Magistrates of Police and Judges of Small Cause Courts are not "Native Judges;" but a "Native Judge" transferred to be a Judge of a Small Cause Court will retain his privileges.

Clause 4th.—The rates of pensions shall be fixed on a graduated scale, within the prescribed limitations, with reference to the responsibility and arduousness of the employment, the degree of merit of the individual, and the nature and length of his service.

1. The limit of pension in ordinary cases is Rs. 5,000 a year, but this is subject to the Rules under Section 117 of the Code.

Appendix B 2.—Resolution of 1st July 1870.

2.

[NOTE.—Wherever, in the following Resolution, a pension is stated in sterling, the equivalent in rupees is meant, at 2*s.* the rupee, which had been, at that time, for several years, the fixed rate of exchange for the adjustment of financial transactions between the Imperial and Indian Governments.]

Resolution by the Government of India, Financial Department,—No. 1555, dated 1st July 1870.

As considerable misapprehension exists in regard to the limitations of pensions of Uncovenanted Servants, both under the old and the new Rules, the Governor General in Council is pleased to issue the following Resolution :—

RESOLUTION.—Up to 1855 the pensions admissible under the Uncovenanted Service Pension Rules were not formally limited within any maximum amount.

2. On 19th May 1855 the Government of India published a despatch of the Court of Directors, which limited pensions for Uncovenanted Servants, appointed after that day, to £500 a year if their pay exceeded Rs. 1,000 a month, or to £400 a year if their pay ranged from Rs. 700 to Rs. 1,000 a month. This limitation applied alike to the one-third pay pension and to the half-pay pension.

3. In 1862, with reference to the increasing number of well-paid appointments which were being thrown open to the Uncovenanted Service, the Government of Bombay recommended that the class who, in the opinion of that Government, were exempt from the foregoing limitation, *viz.*, those Uncovenanted Servants who had been appointed to the Government service before 19th May 1855, should, on promotion to an appointment the salary of which is Rs. 10,000 per annum, be called upon to renounce formally any claim to pension beyond the sum of £500 per annum.

4. The Government of India agreed with the Government of Bombay as to the propriety of the limitation, but demurred to the proposal for exacting a formal renunciation of title to a pension exceeding £500 a year from those admitted into the service before 19th May 1855, who might be offered promotion to a salary amounting to, or exceeding, Rs. 10,000 a year. Hesitation was felt on the following grounds, *viz.*,—

I.—That if a right to a pension exceeding £500 a year ever existed under the Pension Rules of 1831, in favour of those appointed to the service before 19th May 1855, it would be a "doubtful proceeding" to refuse "promotion to a deserving officer, unless he will consent to abandon that to which, it is assumed, he has a right under the existing Rules."

II.—That no such right existed under the Rules of 1831; inasmuch as those Rules did not pledge Government to any particular *amount* of pension, but merely prescribed that the pension should not exceed a certain fixed proportion of the effective pay of the applicant, and that, accordingly, it was within the competence of the Government to define specifically by subsequent Rules, as was done on 19th May 1855, the precise amount within the limit of the prescribed proportions of effective pay, which should not be exceeded in awarding pension.

III.—That in this view, the wording of the order of 19th May 1855, which applied the limitation mentioned in the 2nd paragraph of this Resolution to those only who might be appointed to the service after 19th May 1855, was unhappy; inasmuch as no specific rate of pension had ever been guaranteed to those appointed before that date.

5. Accordingly, the Government of India inclined to think, "notwithstanding the difficulty caused by the proceedings of 1855 . . . that, even now,

Appendix B 2.—Resolution of 1st July 1870.

it will be better that the Government should assert its right to alter the Rules of 1831 as regards all appointments clearly not embraced* by the original intention of those Rules, and to declare such alteration applicable to all Uncovenanted Servants, whether they entered the public service before 1855 or since.

6. "But if this be done, it may be right, having regard to the expectations which must naturally have been created by the order of 1855, to allow the full advantage of the Rules of 1831 with respect to all appointments *made up to the present time*,† and held by officers who entered the public service before 1855. Thus, such an officer, already holding an appointment of Rs. 1,500 a month, will, on superannuation after 20 or 30 years' service, according to the class of appointment, be able to claim a pension of £900 a year; but he will not, if hereafter promoted to higher emoluments, be able to claim a still larger pension calculated on those higher emoluments."

7. This reference was submitted to the Secretary of State quite apart from a memorial from Uncovenanted Servants praying for increased pensionary advantages. The Secretary of State, however, answered this reference and the memorial in the same despatch.

8. In reply to the memorial, he conceded certain additional benefits, but qualified them by a condition that pensions should be limited as follow, *viz.*,—

1st.—That half-pay pensions should not exceed £500 a year, whatever the amount of salary, or £400 a year when the salary does not exceed Rs 12,000 per annum.

2nd.—That one-third pay pensions should not exceed £300 a year, whatever the amount of salary, or £200 a year if the salary shall not exceed Rs. 12,000 per annum.

These form a part of the new Rules.

Para. 23 of despatch dated 8th December 1862.

9. In reply to the reference from the Government of Bombay, regarding pensions beyond £500 a year to those who were in the service on 19th May 1855, the Secretary of State decided that, "under the existing Pension Rules an Uncovenanted Servant is not entitled to claim a pension of the full amount, which is only authorised as the reward of approved service; and, when the Rules were framed, it could not have been contemplated that a larger pension than £500 per annum could ever be granted."

Para. 24 of despatch dated 8th December 1862.

10. Under any circumstances, therefore, the full pension should only be awarded in cases of extraordinary merit.

Para. 25 of despatch dated 8th December 1862.

11. "With this reservation, therefore, I concur in the expediency of the propositions‡ made by you, which must be invariably acted upon as regards promotion subsequent to this§ date, and a clause to that effect should be included in the new Rules."

12. The 23rd and 24th paragraphs of the Secretary of State's despatch of 8th December 1862 (paragraphs 9 and 10 of this Resolution) were published; but, paragraph 25 not having been published, a memorial was submitted asking for an interpretation of the published paragraphs. In forwarding this memorial, the Government of India explained that "the recommendation which the Government of India submitted on this point was that those officers who entered the service before the 19th of May 1855 should be allowed, in respect of all appointments made previously to the time of the reference, a pension at the full rate allowed by the Rules of 1831, *whether more or less than £500 a year*; but that persons appointed to highly paid offices subsequently to this date (*i.e.*, the time of writing) should be limited as to the amount of

* *i.e.*, appointments on salaries exceeding Rs. 600, 700, or 800 a month.
† 6th August 1862
‡ Paragraph 6 of this Resolution.
§ 8th December 1862.

Appendix B 2.—Resolution of 1st July 1870.

pension by the Rule which fixes the maximum pension at £500 a year. The Government of India then contemplated a more liberal application of the Rules of 1831 as regards the class of servants referred to, than would be admissible under a strict interpretation of the 24th paragraph of your despatch."

13. The reply of the Secretary of State, which was published with Notification No. 1523, dated 19th March 1864, was as follows :—

"I have considered in Council your Financial letter dated the 13th October 1863, No 127, forwarding a memorial from certain Uncovenanted Officers at your Presidency requesting an interpretation of paragraphs 21 to 25 of my Financial despatch, dated the 8th December 1862, No. 205, which relate to the limitation of pensions to Uncovenanted Servants to £500 per annum.

"2. In the letter from your Government, dated the 6th August 1862, No. 111, you stated that the Uncovenanted Service cannot claim to have any rights under the Rules of 1831 beyond what may be considered to arise out of the general pledge which those Rules may be taken to give, that a member of that service, when rendered incapable of further duty, shall not be discharged without some pensionary support. As regards the amount of pension to be given, the Rules merely fix a limit which is not to be exceeded; and although it has, with rare exceptions, been the practice to allow the highest pension of which the Rules allow, this practice cannot be admitted to confer on the Uncovenanted Service any right to claim that maximum in all cases, without any regard whatever to the original design and scope of the Rules.

"3. In that view Her Majesty's Government fully concurred. It was, therefore, decided that Uncovenanted Servants appointed prior to the 19th May 1855 (the date of the Court's despatch limiting pensions to £500 per annum), whose average salary during the last five years of their service shall have exceeded Rs. 10,000 per annum, and also those who were promoted prior to the 6th August 1862 (the date of the letter from the Government of India relative to the limitation of pensions to Uncovenanted Servants) to offices to which salaries exceeding Rs. 10,000 per annum are attached, shall, if their average salary during the last five years of their service exceed that amount, be allowed, in cases of extraordinary merit, pensions exceeding £500 per annum, the amount of excess to be governed by the merits and services of the retiring servants, and to be limited to an amount consistent with a due regard to the public interests. In regard to Uncovenanted Servants who have rendered approved services of only an ordinary character, the pension must in no case exceed £500 per annum.

"4. An Uncovenanted Servant promoted subsequently to the 6th August 1862 to an office to which a salary exceeding Rs. 10,000 per annum is attached, is not to be granted an increased pension in consequence of the increase to his salary."—(*Secretary of State, No. 20, dated 9th February* 1864.)

14. This reply did not embrace the cases of persons appointed before 19th May 1855, whose salaries, at the time of retirement, may be less than Rs. 10,000 per annum. In respect of such persons it was urged by the Government of India, in a despatch to the Secretary of State, No. 31, dated 5th February 1868, that, inasmuch as the orders of the 9th February 1864 "recognise the claim to a pension of Rs. 5,000 per annum, or one-half of salary, on the part of an Uncovenanted Servant, whose average salary for the last five years of service is Rs. 10,000 per annum, Uncovenanted Servants with salaries of less than Rs. 10,000 per annum, who were appointed before the 19th May 1855, might be allowed one-third or half-pay pension, irrespective of the limits laid down in the new Pension Rules, which may be restricted to the cases of Uncovenanted Servants appointed after the 19th May 1855."

15. The Secretary of State, however, in a despatch, No. 400, dated 18th November 1869, negatived the recommendation, observing that there was no ground "for excepting Uncovenanted Servants with salaries of less than Rs. 10,000 per annum from the Rules applicable to Uncovenanted Servants with salaries exceeding that amount;" and added that "if, in any particular case of a servant whose salary is less than Rs. 10,000, you should consider that unusually meritorious service calls for a relaxation of the restriction contained in the Rules, I shall be prepared to consider any recommendation you might make for the grant of special pension, as already allowed in regard to servants with higher salaries."

Appendix B 2.—Resolution of 1st July 1870.

16. Three other classes of officers have been exempted from the limitations of the half and one-third pensions prescribed by the new Pension Rules, *viz.*,—

I.—In a despatch, No. 84, dated 31st March 1865, the Secretary of State ruled that "Civil Engineers who entered into covenants when the old Uncovenanted Leave and Pension Rules were in force" might be allowed "the benefit of those Rules in regard both to leave of absence and pension, and any Covenanted Engineer so situated may, therefore, have the option of selecting which Rules he will abide by; but, having once made his selection, he is not to be permitted to avail himself of any of the advantages of the other Rules."

II.—In Financial Resolution No. 1852, dated 16th August 1865, the benefit of the foregoing decision was extended to certain officers of the Telegraph Department who had executed their covenants before the publication, in June 1863, of the new Uncovenanted Service Leave and Pension Rules.

III.—Under an impression that the classes of officers who in the old Pension Rules were designated as Law Officers and Native Judges had ceased to exist, the Secretary of State, in a despatch, No. 290, dated 23rd December 1865, declared the new Rules applicable to all Uncovenanted Officers in the Judicial Department. In reply, the Government of India explained that the term "Native Judges" included Principal Sudder Ameens, Sudder Ameens, and Munsifs, and that to these the old Rules assured a pension equal to one-third salary after 15 years' service and equal to one-half after 22 years' service, when the applicants were certified to be unfit for further duty. Thereupon the Secretary of State observed, in his despatch No. 174, dated 31st July 1866, that "it was not understood that the exceptional advantages granted by the old Uncovenanted Service Pension Rules to 'Native Judges' extended to Native Judicial Officers of other grades. So far as relates to any who can be considered entitled to benefits granted by the old Rules to officers of that class, I am willing that they shall still be considered eligible to the pensions allowed by those Rules; but, with reference to all future appointments, I see no ground for making a distinction between Native Judges and the general body of Uncovenanted Servants, for whom the new Rules make liberal provision."

The despatch of the 31st July 1866 was published by the Government of India on the 29th October 1866.

17. The Rules, therefore, regarding the limitations of the amount of pensions of Uncovenanted Servants may be thus summarised :—

I.—The limitations prescribed by the Uncovenanted Service Pension Rules of April 1864 in regard to one third and one-half pensions do not apply to Uncovenanted Servants of the three classes noted in the margin. Ordinarily the limit of pension for these classes of servants will be £500 per annum. In cases of extraordinary merit, Uncovenanted Servants of the first of the said classes may be allowed pensions exceeding £500 per annum, the amount of excess to be governed by the merits and services of the retiring servant, and to be limited to an amount consistent with a due regard to the public interests.

1. Officers who entered the service before 19th May 1855, or were promoted before 6th August 1862 to salaries exceeding Rs. 10,000 a year, and whose average salary during the last five years of service exceeds that sum
2. Covenanted Civil Engineers in the Public Works Department, and certain Civil Covenanted Officers of the Telegraph Department, who entered the service before the promulgation of the new Rules, and have elected to abide by the old Pension Rules.
3. Native Judges who were in the service on the 29th October 1866.

II.—In all other cases the pensions of Uncovenanted Servants are subject to the limitations of the new Pension Rules of 8th June 1863 and 13th April 1864, but, for "unusually meritorious services," special pensions may be allowed by the Secretary of State to any appointed before 19th May 1855.

APPENDIX C.

EXTRACTS.

1. (*See Section 87, Rule 3, Foot-note.*)

From the letter of the Government of India in the Financial Department, to the Government of Bengal,—No. 3177, dated 31st August 1871.

* * * * *

4. The references made in your letter to a proposed formation of a Pension Fund by deduction from salaries, probably arise from the orders in this Department, No. 940, dated 16th June 1870, which contained, as models, certain Rules proposed by the Government of Bombay for the constitution of an Educational Pension Fund there.

5. The Government of India, on a reconsideration of the whole subject, is disposed to withdraw the approval which it then expressed of the scheme set forth in these Rules. There is an almost entire absence of data on which to estimate the amount of deduction which would be necessary to render such a Fund solvent; such calculations as can be made render it extremely doubtful whether five per cent. is nearly enough to cover the contingent charge; and it is of course out of the question to guarantee from Imperial Revenues the solvency of any such Fund. A Pension Fund formed by deduction from salary is, perhaps, objectionable also on another ground, namely, that it, to a certain extent, unnecessarily fetters the hands of the employer.

6. In the case, therefore, of Local Funds which will, beyond a doubt, be able, without embarrassment, to meet the pensionary claims of employés, it seems to the Government of India that it would be best, should the Local Government think proper to grant to the employés a right to pension, to leave the pensionary claims to be met when they arise. And in the case of Local Funds regarding whose position there is not the same absence of doubt, it would appear to be the wiser course to abstain from making any absolute promise of pension. The ability of such Funds to provide any pensions which, on special grounds, it may be deemed desirable to grant, can be more easily determined when the claim is presented for consideration, than it can be at a time antecedent, by many years, to the actual accrual of the charge.

7. It might even be a matter for the consideration of the Local Government whether, considering the peculiar constitution of Local Funds, it would not be well, especially in the case of such as are of uncertain solvency or stability, to credit to a separate account the capital value of any pension granted. The necessity of providing at once the entire value of a pension, instead of throwing the charge forward upon future years, would perhaps afford a useful check against indiscriminate recommendations by those who have the management of the Funds.

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2. (*See Chapter III, Prefixed Note.*)

From Resolution of the Government of India in the Financial Department, —No. 4359, dated 14th October 1871.

The position of the Government of India, and the difficulty experienced by Native States and public bodies in obtaining competent Officers without its assistance, frequently render it necessary for the Government, for political or for public reasons, to transfer its Officers to service paid for from sources other than its own revenues. Such transfers would, as a general rule, be impos-

Appendix C.—Extracts.

sible if the condition were insisted on, that the Officer transferred should give up his privileges as an Officer in the service of the Government of India; and in the papers above read, the question is discussed what financial arrangements are proper to be made in the case of Officers of Government lent to, or transferred to service paid by, Native States, Municipalities, and other bodies financially independent of the Government of India, such as Courts of Wards, Port Trust, &c., and permitted at the same time to retain their privileges as servants of the Government of India.

2. The remuneration of Officers of Government may be thus classified,—

Immediate,—Their pay and allowances while on duty;
Contingent,—Their absentee allowances;
Deferred,—Their pensionary allowances;

and such Officers when lent to Native States, &c., though they obtained their "immediate" remuneration from the State or Fund at the charge of which they are employed, look, for the most part, to the Government of India for their "contingent" and "deferred" remuneration.

3. It may sometimes be expedient, for special reasons, that the Government of India should bear such charges; but, as a rule, it is not so; and it is necessary to prescribe the conditions which should be imposed, so that such charges may be avoided, unless the Government, for special reasons, accepted them.

4. The Government of India have accordingly resolved to require, on account of every Officer lent or transferred to a Native State, or a Municipality, or other financially independent body, who is permitted to retain his position in relation to the service of Government, and his claims to absentee and pensionary allowances under the Rules of the Service to which he belongs, and with regard to whom the exemption contemplated in paragraph 3 is not declared, a contribution proportional to the salary which he receives, and regulated on the following principles.

5. In the first place, it is to the Officers themselves, and not to their employers, that the Government will look for the contribution required; any other course would be productive of difficulty and inconvenience.

6. In the second place, a calculation founded upon such data as are available shows that the cost to Government of the charges above classed as contingent and deferred, excluding, however, privilege leave allowances, is about one-quarter of the amount actually disbursed in the form of "immediate" remuneration.

* * * * *

13. In the case of Covenanted Civil Servants, the contribution of one-fifth required by this Resolution includes the four per cent. deduction to the Annuity Fund which will not be separately levied. The amount of the contribution to be credited to the Annuity Fund is $3\frac{1}{3}$ *per cent.* of the full nominal pay and acting allowance, being one-twenty-fourth part of the amount retained by the Officer after deduction.* This proportion, being one-sixth of the entire contribution, will be credited to the Annuity Funds so long as they are maintained.

* *i. e.* the same as 4 per cent. retained out of 100

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3. (*See Section 171, Foot-note.*)

From Resolution of the Government of India in the Financial Department, —No. 1586, dated 22nd March 1871.

The Governor General in Council has had under consideration the question of how to guard against fraudulent claims to pensionary allowances being put forward by strangers after the actual incumbents are dead.

Appendix C.—Extracts.

2. The chief protection against such claims must be the careful testing by the Disbursing Officer of each claim at the time it is presented.

3. But it seems advisable also that statistical information regarding pensions should be kept up; and, for this purpose, His Excellency in Council is pleased to direct that, from every office where pensions are disbursed, Returns in the annexed Form shall annually be made to the Account Office to which it is subordinate:—

(1)—For pensions not exceeding Rs. 10.
(2)—For pensions exceeding Rs. 10 and not exceeding Rs. 50.
(3)—For pensions exceeding Rs. 50.

4. The Account Officers should scrutinise the information thus received, in order that enquiry may be at once made where any remarkable longevity appears, or where any other anomalous features present themselves.

5. His Excellency in Council is well aware that there is great difficulty in exercising a check by such means on the action of local Officers. The instances in any single Disbursing Office are necessarily too few to warrant the assumption that their departure from mathematical regularity requires any special explanation; and, on the other hand, in the compilation of the figures of several Offices, the effects caused by the perpetration of frauds in any one would probably disappear in the mass.

6. But while His Excellency in Council, in view of this difficulty in supervising this particular part of their work, confidently expects at the hands of local Officers extreme caution in dealing with claims to pension, he does not doubt that the information contained in the Forms now prescribed will be found, in both central and local offices, to be of great value.

STATUTE 35 VICTORIA, CAP. 12. (*See Foot-note on page 100.*)

An Act to amend an Act of the fourth and fifth years of King William the Fourth, Chapter twenty-four, intituled "An Act to alter, amend, and consolidate the laws for regulating the pensions, compensations, and allowances to be made to persons in respect of their having held civil offices in His Majesty's Service."

(13th May 1872.)

Whereas by an Act passed in the Session holden in the fourth and fifth years of King William the Fourth, Chapter twenty-four, "to alter, amend, and consolidate the laws for regulating the pensions, compensations, and allowances to be made to persons in respect of their having held civil offices in His Majesty's Service," it is provided, amongst other things, "that in case any person enjoying any superannuation allowance in consequence of retiring from office on account of age, infirmity, or any other cause, or enjoying any compensation for past services, upon the abolition or reduction of office, shall be appointed to fill any office in any public department, every such allowance or compensation shall cease to be paid for any period subsequent to such appointment, if the annual amount of the profits of the office to which he shall be appointed shall be equal to those of the office formerly held by him; and in case they shall not be equal to those of his former office, then no more of such superannuation allowance or compensation shall be paid to him than what with the salary of his new appointment shall be equal to that of his former office."

And whereas doubts have lately been entertained as to whether the expression "office in any public department" as used in the abovementioned provisions extends to public departments in any part of Her Majesty's dominions beyond the limits of the United Kingdom;

And whereas it is expedient to remove such doubts:

Be it enacted by the Queen's Most Excellent Majesty, by and with the ad-

vice and consent of the Lords, Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

Explanation of Section twenty of 4 and 5 IV., c. 24.

1. It is hereby declared that the expression "office in any public department" as used in the abovementioned provisions of the said Act extends, and shall, from the date of the passing of the said Act, be deemed to have extended to any office in any public department in the British possessions.

Definition of colony.

2. In this Act, "British possession" shall include any territories for the time being vested in Her Majesty by virtue of any Act of Parliament for the government of India; also any colony, plantation, island, territory, or settlement within Her Majesty's dominions, and not within the United Kingdom.

Short title.

3. This Act may be cited for all purposes as "The Superannuation Act, 1872."

APPENDIX D.—(*See Section 8, Foot-note, and Rules 9 and 13 under Section 9.*)

OFFICERS TRANSFERRED TO FOREIGN SERVICE BEFORE THE 14TH OCTOBER 1871.

Before 14th October 1871, the date of the promulgation of the Rules in Chapter III, Foreign Service did not ordinarily qualify, as it did not satisfy the first and third conditions of qualifying service. Unless especially exempted, or unless their case fell within one of the Special Rules stated beneath, Officers, not being Covenanted Civil Servants or Officers of the Army, who accepted such service, ceased to have any claim on the Government of India in respect of pensions or gratuities. Except as provided in Rule 9 under Section 9, the Rules in Chapter III do not affect the position of these Officers, and they must abide by the conditions under which they left the regular service. In the same way, Officers who may transfer their services in future will have no claim, unless the transfer is such as is provided for in Chapter III.

Special Rules in force before the 14th October 1871.

1. Officers transferred by competent authority to service under Native States, for a purpose in which the Government is interested, count their service as if it were under the Government of India.

The following cases are within this Rule:—

*(*a*.)—Teachers transferred to the service of the Chamba State. In this case the pension is paid by the Government of India and the Raja of Chamba, according to the Rule of Proportions.

*(*b*.)—Officers transferred to service in the Kolhapúr School; the pension being chargeable, according to the Rule of Proportions, to the Government of India, and to a Fund formed by contribution, proportional to salary paid by the Chief of Kolhapúr.

(*c*.)—Officers transferred, under the authority of the Government of the Punjab, to service under the Bhawalpúr State. In this case the charge for the pension will be shared by the Bhawalpúr State according to the Rule of Proportions.

(*d*.)—Assistant Opium Agents in Independent Native States, whose pay is found by the Native States.

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* Applies to transfers before the 22nd October 1875.

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2. Subordinates in the Revenue Survey, temporarily lent to Municipalities for duty which, though paid for by them, also promotes imperial interest, count their services as if it were under Government.

3. Medical Officers lent to charitable dispensaries or hospitals in British India count their service as if it were under Government.

4. Officers transferred, on or after 23rd April 1863, by the authority of Government, or their official superiors, from qualifying service under Government, to service of the following descriptions, count their service as if it were paid from the General Revenues:—

Service under the Court of Wards.
Service in Jágír States in Bombay.
Service under the Talukdari Settlement Officer in Bombay.

Provided that six per cent. of the salary be contributed to the Government of India, either by the Officer himself, or from the Funds whence the salary is paid. This proviso has effect from the 9th November 1870, in the case of service under the Court of Wards, and from the 6th July 1871, in the case of service in Jágír States or under the Talukdari Settlement Officer.

[NOTE.—In the Madras Presidency an Officer transferred before 21st August 1862 from qualifying service to service under the Court of Wards, counts service under the Court of Wards rendered before that date as if it were under Government.]

APPENDIX E.—(*See Section 103, Rule 3, Section 179, Section 180, Rule 1, and Section 188, Rule 10.*)

MEMORANDUM BY MR. J. WESTLAND, COMPTROLLER GENERAL, DATED 18TH MARCH 1882.

Tables of Annuities and Assurances prepared for the Post Office (Life Assurance Branch).

Tables of annuities and assurances depend upon two data,—(1) The rate of interest, (2) The rate of mortality.

As regards the first, I have the instructions of Government to adopt 3½ per cent. per annum as the foundation of my tables. The question is not what the present rate of interest is, but what rate Government can afford to give for the next twenty or thirty years. The Government is to receive amounts now, which it is to repay, in the form of annuities or assurances, any time within the next half century; and the question is, therefore, what it may take as the prevailing rate at which it can improve money during all that time. On this ground the rate has been taken at 3½ per cent.

As regards the second—the rate of mortality,—the Uncovenanted Service Fund have kindly placed at my disposal the latest results of the investigation of the life rates prevailing among their subscribers. As is explained in my paper quoted in page 126 of the last edition of the *Pension Code*, there is a want of good statistics of Indian lives, and no rates can be given for India with such exactness, or with such a certainty of induction, as they can for Europe. But, all matters considered, I think the best rates available for my present purpose are those based on the recent (1837 to 1872) experience of the Uncovenanted Service Fund: and I have accordingly adopted them. The rates are stated in two columns of my Tables I and II (repeated on next page), the former of which shows the number living at each age out of 10,000 living at age 21, and the latter of which shows the number dying in each year out of that number.

The fact that the rate of interest is taken at 3½ per cent. instead of the present existing value of money (say 4 per cent.) practically affords to Government a certain small margin for the uncertainty of Indian rates of life; and seeing that in this respect a small margin exists, I have not made allowances in

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any other respect, but deduced and stated the values accurately upon the given data.

Age.	No. living at each age.	No. dying during year following age.	Age.	No. living at each age.	No. dying during year following age	Age	No. living at each age.	No. dying during year following age.
21	10,000	64	44	7,204	188	67	2,144	199
22	9,936	63	45	7,021	191	68	1,945	190
23	9,873	72	46	6,830	199	69	1,755	182
24	9,801	76	47	6,631	207	70	1,573	174
25	9,725	80	48	6,424	214	71	1,399	165
26	9,645	85	49	6,210	221	72	1,234	155
27	9,560	89	50	5,989	227	73	1,079	146
28	9,471	96	51	5,762	231	74	933	137
29	9,375	101	52	5,531	229	75	796	127
30	9,274	109	53	5,302	224	76	669	116
31	9,165	118	54	5,078	215	77	553	107
32	9,047	126	55	4,863	206	78	446	95
33	8,921	135	56	4,657	200	79	351	85
34	8,786	143	57	4,457	201	80	266	74
35	8,643	149	58	4,256	209	81	192	61·8
36	8,494	153	59	4,047	224	82	130·2	50 7
37	8,341	156	60	3,823	239	83	79 5	38·
38	8,185	157	61	3,584	251	84	40·8	26 6
39	8,028	159	62	3,333	256	85	14·2	14 2
40	7,869	159	63	3,077	253	86	0	
41	7,710	163	64	2,824	241			
42	7,547	168	65	2,583	228			
43	7,379	175	66	2,355	211			

Appendix E.

Table A.—Post

Present value of a monthly payment of 1

Present age.	Number of years for which															
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
21	11·7	23·0	34·0	44·5	54·0	63·3	72·3	81·1	89·7	97·9	105·7	113·0	119·9	126·4	132·6	138·4
22	11·7	23·0	34·0	44·4	53·9	63·2	72·2	80·9	89·5	97·5	105·4	112·6	119·5	125·9	131·9	137·6
23	11·7	23·0	34·0	44·4	53·9	63·1	72·1	80·7	89·3	97·3	105·0	112·2	119·0	125·4	131·3	137·0
24	11·7	23·0	34·0	44·3	53·8	63·0	72·0	80·5	89·0	96·9	104·6	111·8	118·5	124·8	130·6	136·2
25	11·7	23·0	33·9	44·3	53·8	62·9	71·8	80·3	88·7	96·5	104·2	111·4	118·0	124·2	129·9	135·4
26	11·7	23·0	33·9	44·2	53·7	62·8	71·7	80·1	88·5	96·2	103·8	110·9	117·5	123·6	129·2	134·6
27	11·7	23·0	33·9	44·2	53·6	62·7	71·5	79·8	88·1	95·8	103·3	110·4	116·9	123·0	128·5	133·8
28	11·7	22·9	33·9	44·2	53·5	62·6	71·3	79·6	87·7	95·3	102·8	109·8	116·3	122·3	127·7	133·0
29	11·7	22·9	33·8	44·1	53·4	62·5	71·1	79·3	87·4	94·9	102·3	109·3	115·7	121·5	126·8	132·0
30	11·7	22·9	33·8	44·1	53·4	62·4	70·9	79·1	87·0	94·6	101·8	108·7	115·0	120·7	125·9	131·1
31	11·7	22·9	33·8	44·0	53·3	62·2	70·8	78·9	86·8	94·4	101·4	108·3	114·6	120·1	125·6	130·4
32	11·7	22·9	33·7	44·0	53·3	62·1	70·6	78·7	86·6	94·0	101·1	107·8	114·2	119·8	124·8	129·7
33	11·7	22·8	33·7	43·9	53·1	62·0	70·5	78·5	86·4	93·6	100·7	107·3	113·5	119·0	124·0	128·8
34	11·7	22·8	33·6	43·8	53·0	61·9	70·3	78·3	86·2	93·2	100·3	106·8	112·9	118·3	123·2	127·9
35	11·7	22·8	33·6	43·7	52·8	61·8	70·2	78·1	85·9	92·8	99·8	106·2	112·3	117·6	122·4	127·1
36	11·7	22·8	33·5	43·6	52·8	61·7	70·1	77·9	85·7	92·5	99·3	105·6	111·5	116·8	121·6	126·2
37	11·7	22·7	33·5	43·6	52·7	61·6	70·0	77·7	85·5	92·1	98·7	104·8	110·6	116·0	120·7	125·3
38	11·6	22·7	33·4	43·5	52·5	61·5	69·8	77·5	85·1	91·6	98·0	104·0	109·7	115·0	119·7	124·2
39	11·6	22·6	33·4	43·4	52·4	61·4	69·7	77·3	84·7	91·2	97·4	103·3	108·9	114·1	118·7	123·1
40	11·6	22·6	33·3	43·3	52·3	61·2	69·5	77·0	84·2	90·7	96·8	102·6	108·0	113·0	117·6	122·0
41	11·6	22·6	33·2	43·2	52·2	61·0	69·2	76·7	83·8	90·5	96·2	101·9	107·2	112·1	116·8	121·0
42	11·6	22·6	33·1	43·1	52·1	60·8	68·8	76·3	83·3	89·6	95·5	101·1	106·3	111·2	115·5	119·5
43	11·6	22·5	33·1	42·9	52·0	60·5	68·4	75·9	82·9	88·8	94·6	100·1	105·2	109·9	114·1	118·1
44	11·6	22·5	33·0	42·8	51·8	60·3	68·1	75·4	82·1	87·9	93·7	99·1	104·1	108·7	112·8	116·6
45	11·6	22·5	32·9	42·7	51·6	60·0	67·8	74·9	81·5	87·2	92·8	98·0	102·9	107·5	111·5	115·2
46	11·6	22·5	32·9	42·5	51·3	59·7	67·4	74·4	80·8	86·4	91·8	96·9	101·8	106·3	110·2	113·8
47	11·6	22·4	32·8	42·4	51·0	59·4	67·0	73·9	80·3	85·7	90·9	95·9	100·6	105·0	108·8	112·2
48	11·6	22·4	32·7	42·3	50·8	59·1	66·7	73·4	79·6	84·9	90·1	94·9	99·5	103·7	107·4	110·6
49	11·6	22·4	32·6	42·1	50·5	58·8	66·3	72·9	79·0	84·2	89·2	93·8	98·2	102·3	105·9	109·1
50	11·6	22·4	32·5	42·0	50·5	58·5	65·9	72·4	78·6	83·6	88·4	92·9	97·1	101·0	104·5	107·6
51	11·6	22·4	32·4	41·9	50·4	58·3	65·6	72·2	78·3	83·4	87·8	91·9	96·1	100·0	103·5	106·4
52	11·5	22·3	32·2	41·7	50·3	58·1	65·4	72·0	78·0	82·8	87·0	90·8	95·0	98·8	102·0	104·8
53	11·5	22·3	32·1	41·6	50·3	57·9	65·1	71·5	77·5	82·2	86·3	90·0	93·9	97·4	100·4	103·0
54	11·5	22·2	31·9	41·5	50·1	57·7	64·8	71·0	76·7	81·2	85·4	89·2	92·7	95·8	98·6	101·1
55	11·5	22·2	31·8	41·3	50·0	57·3	64·2	70·2	75·7	80·0	84·1	87·7	91·0	94·0	96·6	98·9
56	11·5	22·1	31·7	41·0	49·6	56·9	63·5	69·2	74·4	78·6	82·4	85·9	89·0	91·8	94·2	96·3
57	11·5	22·1	31·5	40·6	48·9	55·9	62·2	67·7	72·7	76·7	80·4	83·8	86·7	89·2	91·4	93·4
58	11·5	22·0	31·3	40·2	48·2	54·9	60·9	66·2	71·0	74·8	78·3	81·5	83·9	86·6	88·6	90·4
59	11·4	21·9	31·2	39·8	47·3	53·8	59·5	64·7	69·2	72·8	76·1	79·0	81·6	83·9	85·7	87·3
60	11·4	21·8	31·0	39·3	46·0	52·7	58·2	63·3	67·6	71·3	74·4	76·9	79·3	81·3	82·9	84·3
61	11·4	21·7	30·8	39·0	46·1	52·0	57·6	62·3	66·3	70·2	72·9	75·2	77·5	79·4	80·9	82·1
62	11·4	21·6	30·6	38·6	45·5	51·5	56·8	61·5	65·4	68·8	71·4	73·7	75·7	77·3	78·7	79·8
63	11·4	21·5	30·4	38·3	45·0	50·9	56·1	60·7	64·5	67·5	70·0	72·2	73·9	75·3	76·6	77·5
64	11·3	21·4	30·2	38·0	44·7	50·5	55·6	60·0	63·6	66·4	68·6	70·5	72·2	73·5	74·7	75·3
65	11·3	21·3	30·0	37·7	44·3	49·9	54·8	59·1	62·6	65·2	67·2	68·8	70·3	71·5	72·6	73·1
66	11·3	21·2	29·8	37·4	43·8	49·3	54·0	58·1	61·4	63·8	65·5	66·9	68·2	69·2	70·2	70·7
67	11·3	21·1	29·5	36·9	43·3	48·6	53·0	56·8	59·9	62·1	63·6	64·8	65·9	66·8	67·7	68·1
68	11·2	21·0	29·3	36·4	42·5	47·5	51·7	55·4	58·2	60·2	61·5	62·5	63·3	64·0	64·8	65·4
69	11·2	20·9	29·0	35·9	41·7	46·4	50·3	53·7	56·2	58·0	59·1	59·9	60·6	61·0	61·7	62·7
70	11·2	20·6	28·7	35·4	41·2	45·4	49·0	52·0	54·2	55·8	57·0	57·8	58·4	59·0	59·6	
71	11·1	20·4	28·2	34·9	40·6	44·4	47·8	50·1	52·0	53·9	54·5	55·2	55·8	56·4		
72	11·0	19·9	27·7	34·3	39·7	43·5	46·2	48·2	49·8	51·2	51·9	52·4	53·0			53·0
73	10·9	19·4	27·2	33·6	38·5	41·6	44·0	45·7	47·1	48·4	49·2	49·8			49·8	
74	10·8	19·0	26·5	32·7	37·2	39·9	41·7	43·1	44·1	45·3	46·4			46·4		
75	10·7	18·6	25·7	31·3	35·5	37·9	39·6	41·0	42·0	43·0			43·0			
76	10·6	18·2	24·7	29·9	33·7	35·9	37·3	38·4	39·5			39·5			76	
77	10·5	17·8	23·6	28·2	31·6	33·7	35·0	36·0			36·0				77	
78	10·4	17·3	22·5	26·5	29·3	31·3	32·5			32·5					78	
79	10·3	16·8	21·5	24·8	26·5	28·9			28·9						79	
80	10·2	16·2	20·2	23·2	25·2			25·2							80	
81	10·2	15·5	19·5	21·5			21·5			81·0						
82	10·1	14·7	17·8			17·8				82·0						
83	10·1	13·9			13·9					83·0						
84	10·1			10·1 Whole life.						84·0						
85										85·0						

Office Insurances.

lasting, during life, for any number of years.

the monthly payment is to last.

17	18	19	20	21	22	23	24	25	26	27	28	29	30	Whole Life.			Present age.
144·0	149·4	154·6	159·6	164·3	168·6	172·6	176·3	179·7	183·0	186·2	189·2	192·0	194·5			210·1	21
143·2	148·5	153·6	158·5	163·1	167·4	171·4	175·0	178·3	181·5	184·6	187·5	190·2	192·6			215·9	22
142·5	147·7	152·8	157·6	162·1	166·3	170·2	173·8	177·0	180·1	183·0	185·8	188·5	190·0			212·8	23
141·6	146·8	151·8	156·5	160·9	165·1	168·9	172·4	175·5	178·5	181·4	184·1	186·7	189·0			209·5	24
140·8	145·9	150·8	155·5	159·8	163·8	167·5	171·0	174·0	176·9	179·6	182·2	184·7	187·0			206·3	25
139·9	144·9	149·7	154·3	158·5	162·5	166·2	169·5	172·4	175·2	177·9	180·4	182·8	185·0			203·0	26
139·0	143·9	148·7	153·2	157·3	161·2	164·8	168·0	170·8	173·5	176·1	178·5	180·8	183·0			199·8	27
138·1	142·9	147·6	152·0	156·1	159·0	163·4	166·4	169·1	171·7	174·3	176·6	178·8	180·0			196·4	28
137·0	141·7	146·3	150·7	154·7	157·4	161·3	164·7	167·3	169·8	172·4	174·6	176·7	178·7			193·1	29
135·8	140·5	145·0	149·3	153·3	156·9	160·2	163·0	165·5	167·9	170·4	172·4	174·5	176·7			189·7	30
135·1	139·7	144·1	148·6	152·3	155·7	158·9	161·8	164·2	166·5	168·7	170·9	173·0	174·7			186·5	31
134·4	138·8	143·2	147·3	151·0	154·4	157·4	160·1	162·5	164·7	166·8	168·9	170·9	172·7			183·2	32
133·4	137·7	141·9	145·9	149·6	152·9	155·8	158·4	160·7	162·8	164·8	166·8	168·7	170·4			180·0	33
132·5	136·7	140·8	144·6	148·2	151·3	154·2	156·8	159·0	161·0	162·9	164·8	166·4	168·2			176·9	34
131·5	135·6	139·6	143·3	146·7	149·8	152·6	155·1	157·2	159·1	160·9	162·7	164·4	165·9			173·8	35
130·5	134·6	138·5	142·0	145·3	148·2	151·0	153·4	155·5	157·4	159·1	160·7	162·3	163·7			170·8	36
129·6	133·5	137·3	140·7	143·9	146·7	149·4	151·7	153·7	155·5	157·1	158·6	160·0	161·3			167·6	37
128·4	132·2	135·9	139·2	142·3	145·0	147·5	149·7	151·6	153·3	154·8	156·3	157·7	158·8			164·1	38
127·2	130·9	134·5	137·7	140·6	143·1	145·5	147·7	149·5	151·1	152·5	153·9	155·2	156·2			161·2	39
126·0	129·7	133·1	136·2	138·8	141·2	143·4	145·5	147·3	148·9	150·3	151·6	152·7	153·6			157·9	40
124·8	128·3	131·6	134·8	137·5	139·6	141·4	143·7	145·1	146·8	148·1	149·3	150·3	151·0			154·4	41
123·4	127·0	130·1	132·9	135·5	137·3	139·2	141·1	142·8	144·1	145·3	146·4	147·4	148·0			151·0	42
121·9	125·2	128·2	130·8	133·4	134·9	136·8	138·5	140·1	141·3	142·4	143·4	144·3	144·9			147·4	43
120·3	123·4	126·3	128·8	131·3	132·7	134·4	136·0	137·5	138·6	139·6	140·5	141·3	141·8			143·9	44
118·7	121·7	124·5	126·8	129·3	130·5	132·1	133·5	134·9	136·0	136·9	137·7	138·3	138·8			140·5	45
117·1	120·0	122·6	124·7	127·1	128·1	129·6	131·0	132·3	133·3	134·1	134·8	135·3	135·8			137·1	46
115·4	118·1	120·5	122·5	124·9	125·6	127·0	128·4	129·6	130·5	131·2	131·8	132·3	132·7			133·8	47
113·8	116·3	118·5	120·4	122·7	123·3	124·6	125·8	126·9	127·7	128·3	128·8	129·3	129·7			130·5	48
112·0	114·4	116·5	118·2	119·9	120·9	122·1	123·2	124·2	124·9	125·5	125·9	126·2	126·6			127·3	49
110·5	112·6	114·5	116·1	117·4	118·6	119·7	120·7	121·6	122·3	122·9	123·2	123·5	123·7			124·2	50
109·0	111·2	113·0	114·4	115·6	116·6	117·5	118·3	119·1	119·7	120·1	120·4	120·6	120·7			121·1	51
107·2	109·3	111·0	112·3	113·4	114·2	115·0	115·8	116·5	117·0	117·3	117·5	117·7	117·8			118·1	52
105·2	107·2	108·9	110·1	111·1	112·0	112·7	113·2	113·8	114·2	114·4	114·6	114·7	114·8			115·1	53
103·2	105·0	106·5	107·6	108·5	109·2	109·8	110·3	110·8	111·0	111·2	111·4	111·5	111·6			111·8	54
100·8	102·5	103·9	104·9	105·7	106·3	106·8	107·2	107·7	107·9	108·1	108·3	108·4	108·5			108·5	55
98·1	99·6	100·9	101·8	102·6	103·1	103·5	103·8	104·2	104·4	104·6	104·7	104·8			104·8		56
95·0	96·0	97·5	98·3	99·0	99·4	99·7	99·9	100·2	100·4	100·6	100·7			100·7			57
91·8	93·0	94·1	94·8	95·4	95·7	95·9	96·1	96·3	96·5	96·6			96·6				58
88·6	89·7	90·6	91·1	91·7	92·0	92·2	92·3	92·4	92·5			92·5					59
85·5	86·5	87·3	87·8	88·2	88·5	88·7	88·9	89·0			89·0						60
83·0	83·8	84·3	84·7	85·0	85·3	85·6	85·7			85·7			61				
80·0	81·2	81·6	81·9	82·3	82·6	82·7			82·7				62				
78·2	78·7	79·0	79·3	79·7	79·9			79·9					63				
75·8	76·3	76·6	77·0	77·4			77·4						64				
73·0	74·1	74·5	74·8			74·8							65				
71·2	71·6	72·0			72·0			66									
68·5	69·1			69·1				67									
66·0			66·0					68									
		62·7						69									
	59·6							70									
56·4			71														
			72														
			73														
			74														
			75														

The tabular values are those of a monthly sum, the payment to *commences immediately* and last so many years if the person lives so long. But the value of a monthly payment, which does not commence immediately, can also be found by the table, namely, by taking the difference between two values.

For the value of a monthly payment commencing after A years and lasting B years, is equal to the value of the payment commencing immediately and lasting for A+B years, less the value of the payment commencing immediately and lasting for A years.

Thus the value of a payment commencing after 13 years and lasting for 9 years, contingent upon the life of a person whose present age is 30, is 156·0−115·0 or 41·9.

Appendix E.

Table B.—Showing monthly payments, independent of any life, equal to a present Capital Payment.

Capital Sum.	Monthly Payments									
	For 5 years.	For 6 years.	For 7 years.	For 8 years.	For 9 years	For 10 years.	For 12 years.	For 15 years.	For 20 years	Capital Sum.
100	1·8278	1·5505	1 3527	1·2046	1·0896	·9978	·8605	·7242	·5897	100
200	3·6556	3·1010	2·7054	2·4092	2·1792	1·9956	1·7210	1·4484	1·1794	200
300	5·4834	4 6515	4·0581	3·6138	3·2688	2·9934	2·5815	2·1726	1·7691	300
400	7·3112	6 2020	5·4108	4·8184	4·3584	3·9012	3·4420	2·8968	2 3588	400
500	9·1390	7 7525	6·7435	6·0230	5·4486	4·9890	4·3025	3·6210	2·9485	500
600	10·9668	9·3030	8·1162	7·2276	6·5376	5·9868	5·1630	4·3452	3 5382	600
700	12·7946	10·8535	9·4689	8·4322	7·6272	6·9846	6·0235	5·0694	4·1279	700
800	14·6224	12·4040	10 8216	9·6368	8·7168	7·9824	6·8840	5·7936	4·7176	800
900	16 4502	13·9545	12·1743	10 8414	9 8064	8·9802	7·7445	6·5178	5·3073	900

Table C.—For the Capitalisation of Pensions by Males and Females. (The table is in use in England by the Secretary of State for India.)

Value of an annuity of £1 on a single life according to the Carlisle Table of Mortality, interest being calculated at 5 per cent.

Age next birthday.	Value.	Age next birthday.	Value.	Age next birthday.	Value.	Age next birthday.	Value.
	£		£		£		£
15 . . .	16 227	31 . .	14·617	46 . .	12 480	61 . .	8 712
16 . . .	16 144	32 . .	14·506	47 . .	12·301	62 . .	8·487
17 . . .	16·066	33 . .	14·387	48 . .	12·107	63 . .	8 258
18 . . .	15·987	34 . .	14 260	49 . .	11·892	64 . .	8·016
19 . . .	15 904	35 . .	14 127	50 . .	11·660	65 . .	7·765
20 . . .	15 817	36 . .	13 987	51 . .	11·410	66 . .	7·503
21 . . .	15·726	37 . .	13 843	52 . .	11·154	67 . .	7·227
22 . . .	15 628	38 . .	13·695	53 . .	10·892	68 . .	6·941
23 . . .	15·525	39 . .	13·542	54 . .	10·624	69 . .	6·643
24 . . .	15·417	40 . .	13·390	55 . .	10·347	70 . .	6 336
25 . . .	15·303	41 . .	13·245	56 . .	10 063	71 . .	6·015
26 . . .	15·187	42 . .	13·101	57 . .	9·771	72 . .	5·711
27 . .	15·035	43 . .	12·957	58 . .	9·478	73 . .	5·438
28 . . .	14·942	44 . .	12·806	59 . .	9·199	74 . .	5·190
29 . . .	14·627	45 . .	12 648	60 . .	8 940	75 . .	4 930
30 . . .	14 723						

THE CIVIL LEAVE CODE.

FIRST EDITION—Published 14th March 1872.
SECOND EDITION— „ 14th December 1873.
THIRD EDITION— „ 1st December 1876.
FOURTH EDITION— „ 25th April 1879.
FIFTH EDITION— „ 6th April 1881.
SIXTH EDITION— „ 20th February 1884.

FORT WILLIAM,

DEPARTMENT OF FINANCE AND COMMERCE,

The 20th February 1884.

The Sixth Authorised Edition of the CIVIL LEAVE CODE is now published. From this date the Fifth Edition will be superseded, and should no longer be quoted. Corrections and additions notified hereafter should be entered in their proper places.

D. M. BARBOUR,

Secretary to the Government of India.

THE CIVIL LEAVE CODE.

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THE CIVIL LEAVE CODE.

CHAPTER I.

EXTENT OF APPLICATION.

1. Saving as in any particular case specially so expressed, the Rules in this Code apply to all Public officers as follows :— Application of Rules.

	The special Rules which apply to these officers are contained in
(*a*) Lieutenant-Governors and ordinary Members of the Council of the Governor General or of the Governor of Madras or Bombay .	Chapter III.
(*b*) Judges of the High Court, and (provided that they are Barristers and not Covenanted Civil Servants) Judges of the Chief Court of the Punjab, the Secretary to the Government of India in the Legislative Department, the Recorder of Rangoon, and First Judges of Small Cause Courts of Presidency Towns . . .	„ IV.
(*c*) Covenanted Civil Servants, Military Officers subject to the Civil Rules, and Uncovenanted Officers belonging to one of the Classes enumerated in SCHEDULE A, and appointed thereto by Her Majesty's Secretary of State, or with his particular sanction, or whose names are entered in SCHEDULE B.	„ V.

1. The officers whose names are entered in SCHEDULE B were admitted to the benefits of the Rules in Chapter V from the 3rd January 1872, being the day on which the despatch from the Secretary of State, No. 451, dated 6th December 1871, was received. The death, resignation, removal, or retirement of any of these officers should be promptly reported by the Government, Department, or Head of Office under whom he is serving, directly to the Government of India in the Department of Finance. Officers in Schedule B.

Conditions for entry of name in Schedule B.

2. The conditions precedent to the entry of the name of an officer in Schedule B were that

(1) he was not of purely Asiatic descent;
(2) he held, substantively, on the 3rd January 1872, one of the offices described in Schedule A; and
(3) his salary, on the 10th February 1876, was not less than six thousand rupees a year.

No forfeiture of privileges on transfer to appointment not in Schedule A.

3. An Uncovenanted Officer to whom the Rules in Chapter V are declared applicable does not forfeit his privileges upon transfer to some office not included in Schedule A, unless such transfer is ordered as a penalty, or because of the officer's inefficiency.

Officers of Royal Navy.

4. The Rules in Chapter V which apply to an Uncovenanted Officer apply to an Officer of the Royal Navy attached to the Marine Survey Department. The leave admissible to such an officer will be calculated with reference only to his service in India, and without any regard to his British service.

(*d*) Native Civil Servants . . .	Chapter VI.
(*e*) Law Officers described in the prefixed note to Chapter VII, provided that they are not Covenanted Civil Servants . . .	„ VII.
(*f*) Bishops	„ VIII.
(*g*) Chaplains	„ IX.
(*h*) Uncovenanted Officers, excepting those specified in case (*c*) . .	„ X.
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(*k*) The Police at Port Blair . .	„ XII.
(*l*) Military Officers subject to Military Rules	Appendix CI.
(*m*) Officers serving under Special Contracts	Their Contracts.

[NOTE.—The Rules in Chapters XIII, XIV, XV, and XVI also apply to these officers, except officers specified in case (*a*) and except where otherwise specifically limited in their application.]

Officer under contract.

1. An officer under contract* is not entitled to leave, except in accordance with the terms of his contract. But if an Uncovenanted Officer belonging to one of the classes enumerated in Schedule A, and appointed thereto by Her Majesty's Secretary of State, or with his particular sanction, or whose name is entered in Schedule B, is, by the terms of his contract of service, entitled to leave under the "Uncovenanted Service Leave Rules," the Rules referred to shall be held to be the Rules in Chapter V.

* See foot note on page 30.

1 If the health of an officer who is serving under an agreement which does not give a title to leave under the terms of a fixed period, fails, during that period, his engagement should be terminated, unless:—

(1) he has exhibited such special ability that it is desirable on public grounds to retain him even at the cost of the difference between a leave allowance and passage money he draws under his agreement, &

(2) it is certified that he will in all probability be able to return to duty on or before the end of 6 months.

In cases in which the agreement is not terminated, leave may be granted for a period not exceeding 6 months, on a allowance not exceeding ½ pay.

Only officers in Civil employ, subject to Mily. Furlough Regulations of 1868, may be granted special leave under Sect. 61 & 63

Section 4.

Insert the following as a Foot-note to this Section :—

In paragraph 4 of the Home Department Resolution No. 24—885-96, dated the 6th July 1883, the Government of India intimated to Local Governments and Administrations that the Secretary of State had approved of the principle to which attention was drawn in paragraph 7 of the Resolution No. 33—1343-54 of the 7th September 1882 of imposing a check on the abuse of the Civil Furlough Rules by recurring grants of furlough on medical certificate, and that the best mode of effecting that object was still under consideration.

2. The Secretary of State has now decided that the Civil Furlough Rules, as they stand, appear to make sufficient provision against their frequent or general abuse, and that any present formal modification of those rules is therefore unnecessary. Officers at home on medical leave will not be permitted to return to duty without a medical certificate of fitness for duty in India. At the same time His Lordship expresses his readiness to re-consider the subject should further experience show that more stringent precautions against abuse of the Rules are necessary, and is of opinion that the matter might be brought by circular to the notice of Local Governments and Heads of Departments. It is pointed out that to grant leave on urgent private affairs in consideration of the state of an officer's health is not in accordance with the spirit of the Rules. When an officer applies for repeated grants of medical leave within short intervals, the attention of the Medical Board should be drawn to his case with a view to their carefully considering the term of absence necessary for his complete recovery.

3. I am to request that in future these directions may be borne in mind Section 4 of the Civil Leave Code gives the Local Government ample powers for regulating the grant of leave of every description.—[*Circular in the Home Department, No. 22 (Public), dated 16th May 1884.*]—(16) (*No. 1348, dated 29th May 1884.*)

2. Subsidiary leave of absence under Sections 64-70, Privilege leave of absence under Sections 71 76, and Examination leave of absence under Section 77 may be granted to a Military Officer subject to Military Rules: provided that he is not employed in the Military Secretariat of the Governments of India, Madras, or Bombay, or as Military Secretary to the Resident at Hyderabad, no other leave of absence may be granted, under the Rules in Chapter V to a Military Officer subject to Military Rules. No leave of absence can be granted under Chapter V to a Warrant Officer, excepting under this Section.

What leaves are admissible to Military Officers subject to Military rules.

CHAPTER II.

GENERAL RULES.

[NOTE —For the rules regarding the furlough allowance of officers lent to service under Her Majesty's Government in England or under any Colonial or Foreign Government outside of India, and regarding privilege leave allowance of officers taking employment under the Egyptian Government see cases (*g*) and (*i*) respectively under Section 11, Civil Pension Code]

3. The Government of India reserves to itself the right of modifying the Rules in this Code as may from time to time seem to it expedient, and of interpreting them in case of dispute.* In all contracts for service in India to which the Secretary of State is a party,† provision is made for the exercise by the Government of these rights.

Right of making or interpreting Rules

4. Leave of absence can never be claimed absolutely as of right. Nothing in this Code must be understood to limit the free discretion of the Government to refuse, or revoke, leave of absence of any description, at any time, according to the exigencies of the Public Service.‡

Discretion of Government.

[NOTE.—The Local Government may refuse to grant the full amount of leave applied for in any case, and should, by the exercise of this power, so regulate the date of an officer's return from leave, as to cause as little change as possible in administrative arrangements]

* The despatch from the Secretary of State announcing this is No. 15, dated 3rd January 1879.

† See foot notes on pages 2 and 30.

‡ Two Military officers having applied for ordinary furlough within a short period after their transfer to employment in the Civil Department, namely, before they had completed one year's service in that Department, the Local Government concerned felt itself justified under the terms of Section 4 in refusing to forward the applications unless supported by a medical certificate, and reported its proceeding to the Government of India The Local Government was told that 'the object of the rule contained in section 4 of the Civil Leave Code, under which these applications

General Rules.

CHAP. II

Report required of refusal of furlough to a Bengal Covenanted Civil Servant.

1. If a Local Government, under this Section, refuse Furlough to a member of the Bengal Covenanted Civil Service, it should report the refusal for the confirmation of the Government of India in the Home Department.

Officer recalled to duty before expiry of leave

5. (*a*) An officer recalled to duty before the expiry of leave of any kind is entitled to take the balance of his leave, together with any leave of the same kind subsequently earned, as soon as he can be spared from duty.

[NOTE.—Time occupied in the voyage to India on recall from recognised leave out of India is not included in the balance of leave.]

(*b*) An officer recalled to duty before the expiry of any recognised leave out of India is entitled to free passage to India, and ~~actual personal~~ travelling ~~expenses~~ allowance from the port of debarkation in India to the Station to which he is posted.

[NOTE.—During the voyages to and from India, leave allowances only are granted.]

Recall from privilege leave.

(*c*) An officer recalled to duty before the expiry of leave in India other than Privilege leave, is treated as on duty from the date on which he starts for the Station to which he is ordered, and is entitled to his actual personal travelling expenses on his journey to the Station to which he is posted.

(*d*) An officer recalled to duty from Privilege leave is entitled to no concession except that mentioned in clause (*a*).

Promotion during leave.

6. If an officer while absent on leave during which the amount of his leave allowances depends upon the substantive or officiating rank or appointment which he would hold if present on duty, obtains promotion, substantive or officiating, or an increase of pay or acting allowance which involves no change in, or addition to, his duties or responsibilities, the promotion or increase has effect at once. Otherwise, the promotion of an absent officer has effect only from the date of his return to duty.

Service before discharge or resignation.

7. An officer who is discharged from, or resigns, the Public service, and is re-employed after an interval, cannot, without the sanction of the Government of India,

fall to be dealt with, is to give Local Governments the fullest power of dealing with applications for leave, subject to the condition that leave may be refused only on public grounds.' The Local Government's action was accordingly approved. —*Home Department, No 513 (Public), dated 16th April 1883.*

Section 5 (b).

Substitute "travelling allowance" *for* "actual personal travelling expenses" *in this section.*—(239) (Finance Department No. 1957, dated 16th April 1888.)

Section 8.

Insert the following after "corps" *in the fourth line of this Section :—*

'or to any of the Indian Establishments of the British Army."

(11) (*No .1170, dated 23rd May 1884*)

count his service before discharge or resignation towards leave after re-employment.

Exception.—An officer discharged from the Indian Navy on its abolition, and subsequently re-employed, may count his Naval service towards leave after re-employment, notwithstanding the occurrence of a moderate interval between his discharge from the Indian Navy and his first re-employment. Any leave taken by such officer while in the Indian Navy will be treated, in calculating the leave due to him under this Rule, as if such leave had been taken under the Rules to which he became subject on re-employment. Indian Navy.

1. An Uncovenanted Officer, who draws pension as well as pay under Section 182 of the Civil Pension Code, may, during leave of absence from his new office, draw so much of his pension as will raise his whole leave allowances to the amount which would have been admissible to him if he had taken leave of the same kind and under the same circumstances while holding his abolished appointment: provided that his allowances on leave shall never be less than his pension. Pension.

2. The service of an officer of the Marine Service continues to count after the abolition of his appointment, if he is retained on subsistence allowance, or employed in an acting appointment. Marine Service.

3. The Authority who, on revision or appeal, reverses an order dismissing an officer, may declare that, as regards qualifying service, the dismissal reversed shall be held to have been suspension followed by reinstatement. Dismissal commuted to suspension.

8. Service as Private Secretary to the Governor General, a Governor or a Lieutenant-Governor, qualifies, provided that the officer belongs to the Covenanted Civil Service or to the Staff Corps, or belonged (before his appointment as Private Secretary) to the Uncovenanted Service. Private Secretary.

9. Service in the Army, which, under Exception (4) in Section 57 of the Civil Pension Code, counts towards civil pension, qualifies. Any leave taken by an officer during such service will, in the calculation of future leave, be treated as if it had been taken under Civil Rules. Army

10. Service under an Incorporated Local Fund may qualify for leave under these Rules; but the allowances given during such leave must be disbursed from the Local Fund and General Revenues, according to the Rule of Proportions: Provided that, if less than one-fourth of the said allowances would be payable from either source, the whole of the allowances shall be charged to the other source. Local Fund

11. No leave, or allowances during leave, to an officer paid from a Local Fund or from any other sources under Government Rules to apply to employés of Local Funds, &c.

the control of any Government officer, shall, without the express sanction of the Government of India, exceed what would be admissible under the Rules which apply to an officer paid from General Revenues.

Foreign service.

12. (*a*) Foreign service which qualifies for pension under Chapter III of the Civil Pension Code qualifies for leave under these Rules. If an officer who is transferred to Foreign service elects, under Section 9 (*b*), Rule 3, Civil Pension Code, to contribute for pension only, the British Government will thenceforth only pay its share of his leave allowances according to the Rule of Proportions: otherwise the British Government pays all the leave allowance of an officer so transferred, except when he is on Privilege leave, when it pays only its share according to the Rule of Proportions.

(*b*) The leave allowances of an officer not subject to the Rules in Chapter III of the Civil Pension Code, who has served in any appointment the salary of which has been derived either wholly or in part otherwise than from Indian Revenues, shall be charged according to the Rule of Proportions. But this Rule does not apply to a Military Officer subject to Military Rules, who either vacates his civil appointment when going on leave, and reverts to the Military Department, or receives only English Furlough Pay.

Beginning of leave

13. Subject to the provisions of Section 55, if an officer makes over charge of his office before noon, his leave begins on and includes the day on which he makes over charge; otherwise it begins on and includes the following day.

Leaving Station.

1. If the absence of the officer does not involve the immediate deputation of any officer from another Station, or any formal transfer of charge in the way of taking over money, or the like, then the absentee may leave his Station at the close of the last day on which the Office is open for business before his leave begins. In such case the several transfers of charge dependent upon the departure of the absentee shall take effect from the close of the last working day as aforesaid. But, subject to the provisions of Section 55, the leave of the absentee and the re-arrangement of allowances, if any, depending upon his departure, shall begin from, and include, the first day thereafter on which the Office is open for business. The actual date of the officer's departure from his Station must, however, always be reported.

Section 16.

(a) *Insert the following as Proviso (1) under this section :—*

(1) such leave may not be granted in continuation of privilege leave, but may be granted in continuation of any other leave.—(219.) (Finance Department No. 6206, dated 24th November 1887.)

Section 16.

Add the following after "Government" *in the second line of this section :* "(or, if the officer be on Furlough or Special Leave in Europe, the Secretary of State)".—(210) (Financial Department Order No. 4629, dated the 26th August 1887.)

Section 16.

Strike out Proviso (1) under this Section.

(No. 1717, dated 20th June 1884.)

General Rules.

CHAP. II.

Local allowance

14. So much of a Local Allowance as is not paid to a substitute may be drawn by an officer absent from his office through deputation on special duty for a period not exceeding one month. If the absence exceeds a month, an officer is not entitled to draw his local allowance for any part of the absence. This rule applies also to an officer in receipt of Presidency allowance at a Presidency town who is absent from the Presidency town on duty connected with his office; but an officer in receipt of house-rent at a Presidency town may, during absence from the Presidency town, whether on other duty or on duty connected with his office, continue to draw his house-rent, provided the term of his absence does not exceed two months, exclusive of the months of departure and return; if the absence exceeds this term, the house-rent is not admissible for any part of the absence. A claim to house-rent under this rule must be supported by a certificate by the officer that his previous rate of expenditure for a house at the Presidency town continued during his absence.

Covenanted Civil Servants and Uncovenanted Officers who are Barristers.

15. A Covenanted Civil Servant is not entitled to any special privileges by reason of his being a Barrister, and an Uncovenanted Officer is not entitled to any special privileges by reason of his being a Barrister, unless, on his first admission to the Service, he is appointed to some office in which the Local Government, with the sanction of the Government of India, has declared it to be necessary on public grounds to employ a Barrister.

Extraordinary leave.

16. Subject always to the provisions of any Statute applicable to the case, the Local Government may at its discretion grant leave of absence from duty otherwise than under the rules of this Code:

Provided that—

~~(1) such leave may not be granted in combination with any leave;~~

(2) an officer absent from duty on leave so granted shall receive no absentee allowance; and

(3) if he is a Covenanted Civil Servant or a Military Officer subject to Civil Rules, he shall retain no lien upon any office.

[NOTE.—This Section does not refer to casual leave for short periods. Such leave is not recognised and is not subject to any Rule. Techni-

cally, therefore, an officer on casual leave is not treated as absent from duty, and his salary is not intermitted.]

Officers deputed on duty to Europe or detained there on duty

17. The following are the Rules for regulating the allowances of Public officers who are deputed on special duty to Europe, or who are detained on duty in Europe:—

I.—A Military Officer in military employ, who is permitted to proceed to Europe for the purpose of acquiring professional information, or is deputed on special duty to Europe, receives, during the period of his absence from India, the full Indian Pay and Allowances of his rank and half Staff Salary.

II.*—A Civil Officer, or a Military Officer in civil employ, who, with the sanction of the Secretary of State, is deputed to Europe on special civil duty, is entitled, from the date on which he makes over charge of his office in India to the date on which he resumes it, to an allowance not exceeding two-thirds of the amount which he would draw were he on duty in India.

[NOTE.—Under very special circumstances, the Secretary of State may relax this Rule.]

III.*—A Civil Officer, or a Military Officer in civil employ, who, under the orders of the Secretary of State, is detained in Europe on civil duty, or permitted to remain on special civil duty, beyond the period of his leave, is entitled—

(*a*) if on any leave other than Privilege leave—to an allowance not exceeding two-thirds of his pay and allowances in India,

(*b*) if on Privilege leave—to an allowance not exceeding half his pay and allowances in India, for the period during which he is so detained or permitted to remain on special civil duty.

CHAPTER III.

LIEUTENANT-GOVERNORS AND MEMBERS OF COUNCIL.

Lieutenant Governors.

18. Leave on medical certificate for not more than six months may be granted to a Lieutenant-Governor. On resuming his duties after such leave, a Lieutenant-Governor is entitled to half his salary for the period of his absence. If he is prevented from resuming his duties, he is entitled to no absentee allowances.

* Applies to a Municipal Officer on duty in Europe.

(a/A

Chapter II.

Insert the following as Section 17A in this Chapter :—

"Leave of absence for a definite period is not admissible to an officer who has been suspended from duty. If permission to proceed to England is granted in such a case, it should only be for such period as the Secretary of State may determine."—(96) (Finance Department No. 2173, dated the 27th July 1885.)

Section 19.

Rule 1.

For the words "when he takes his seat in Council under the usual salute" *substitute* "when he takes upon himself the execution of his office."—(187) (Finance Department Order No. 2823, dated 27th May 1887)

A Lieutenant-Governor is not entitled to any other leave.

Members of Council.

19. The leave admissible to an ordinary Member of the Executive Council of the Governor General, or of the Governor of Madras or Bombay, is regulated by Act of Parliament, Section 26 of 24 & 25 Vic., Cap. 67, as follows :—

Section 26—It shall be lawful for the Governor General in Council, or Governor in Council of either of the Presidencies, as the case may be, to grant to an ordinary Member of Council Leave of Absence under Medical Certificate for a period not exceeding six months, and such Member during his absence shall retain his Office, and shall, on his return and resumption of his duties, receive half his salary for the period of such absence ; but if his absence shall exceed six months, his Office shall be vacated.

1. Subject to any special orders by the Government of India to the contrary,

Leave of absence granted to an ordinary Member of the Council of the Governor General (if taken out of India) commences on the day after such Member embarks at any port in India excluding Aden, and ends on the day before he disembarks at any port in India excluding Aden: Provided always that such Member has not been relieved of the charge of his office until he embarks, and that he resumes charge immediately upon his disembarkation :

And the tenure by a Member of Council of his office begins ~~when he takes his seat in Council under the usual salute~~, and the resignation of his office by a Member of Council whose successor has not entered upon his office, takes effect from the day following that of his embarkation at any port in India excluding Aden, or from the expiry of his five years' tenure of office, whichever date is earlier.

CHAPTER IV.

JUDGES OF HIGH COURTS AND CERTAIN LEGAL AND JUDICIAL OFFICERS.

*Regulations by the Secretary of State in Council of India under the provisions of 24 & 25 Vic., Cap. 140, Section 6, respecting the furloughs * * * of the Chief Justices and Puisne Judges of the High Courts of Judicature for the Bengal Division of the Presidency of Fort William, Madras, Bombay, and the North-Western Provinces ; and Regulations by the Secretary of State in Council respecting the furloughs and leaves of absence of certain other Legal and Judicial Officers.*

* * * * * *

[NOTE.—Excepting Section 36, these rules may not be applied to the Hon. L. H. Bayley, Puisne Judge, Bombay. He may, when next he takes leave other than Privilege leave, elect to be placed under these Rules or the Rules in Appendix E.]

FURLOUGH, SUBSIDIARY LEAVE

DEFINITIONS.

Actual service.

20. In the following Rules—

"Actual service" includes—

(1.) Time spent on duty as a Judge or officiating Judge of a High Court.

(2.) Privilege leave of absence.

(3.) Subsidiary leave of absence.

(4.) Duly authorised Vacations, provided that the Judge is not absent on Furlough or Extraordinary leave.

Native Judge.

"Native Judge" means a Native of India (not being a member of the Covenanted Civil Service appointed by the Secretary of State for India after competitive examination in England) who received his permanent appointment as Judge of a High Court after the 21st May 1881.

Extraordinary Leave.

"Extraordinary leave" means any leave granted otherwise than under these Rules.

FURLOUGH AND SUBSIDIARY LEAVE.

Furlough earned.

21. One year's Furlough shall be placed to the credit of each Judge, after the completion of every four years of Actual service.

Furlough not admissible unless at credit.

22. Except under Sections 25 and 26, no Furlough shall be granted until at credit under Section 21:

Provided that any Judge who may have been already in the service of the Government at the time of taking office in the High Court, and who was at that time entitled, under the Rules applicable to the branch of the Service to which he belonged, to Furlough, without medical certificate, may be granted Furlough for a term not exceeding that to which he was so entitled, upon the condition that such Furlough shall not be taken until the completion of two years' Actual service in the High Court, and shall not exceed one year.

Furlough when again admissible.

23. Except under Section 26, Furlough shall not be repeated until after the completion of three years' Actual service from the date of the last return from Furlough or Extraordinary leave.

[*N. B.*—The words "Furlough or Extraordinary leave" in the foregoing Section mean Furlough under these Rules, or Extraordinary leave granted to an officer since he has been a Chief Justice or Judge of a High Court.]

Maximum amount.

24. The maximum term of Furlough which may be taken at any one time shall be fifteen months.

FURLOUGH, SUBSIDIARY LEAVE.

Furlough on Medical Certificate even if not at credit.

25. Under medical certificate, Furlough may be granted before it is at credit under Section 21.

Furlough on Urgent Private Affairs even if not at credit.

26. On Urgent Private Affairs, Furlough may be granted to a Judge ~~other than a Native Judge~~ before it is at credit under Section 21, and although three years of Actual service have not been completed since the last return from Furlough or Extraordinary leave :

Provided that Furlough under this Section shall not exceed six months, and shall be granted only once during the whole period of a Judge's service in the High Court.

Aggregate amount of furlough.

27. The aggregate amount of all Furlough which can be granted to a Judge other than a Native Judge during the whole period of his service in the High Court is two years and a half. Such aggregate amount, in the case of a Native Judge, is two years.

Reckoning of furlough taken in India.

28. Furlough taken in India shall be reckoned from the date of the Judge's quitting his office to the date of his return thereto. Furlough taken out of India shall be reckoned from the date of embarkation to the date of return.

[NOTE.—By the date of return is meant the date of debarkation.]

In the event of the Furlough being taken partly in India and partly out of India, the commencement and termination of the Furlough shall be respectively determined by the foregoing Rules, according as the Furlough begins or ends in or out of India.

Subsidiary leave.

29. For the interval elapsing between the date of quitting his office and the commencement of Furlough out of India, and between the termination of Furlough out of India and resuming his office, a Judge may be allowed Subsidiary leave not ordinarily exceeding thirty days, which, in special cases, may be extended.

Allowances on furlough or subsidiary leave.

30. A Judge other than a Native Judge when on Furlough or Subsidiary leave, shall receive allowances at the rate of Rs. 833-5-4 per mensem in the case of leave taken in India, or £1,000 per annum in the case of leave taken out of India.

Native Judge.

31. A Native Judge, when on Furlough either in or out of India, or on Subsidiary leave, shall receive allowances at the rate of Rs. 700 a month.

Limitation of furlough.

32. Except under medical certificate, the number of Furloughs to be granted at any one time, and the grant of Furlough to individual Judges, shall be subject

PRIVILEGE LEAVE.

to, and limited by, the exigencies of the service, which exigencies shall be determined exclusively by the Authority granting the Furlough.

Priority of grant of furlough

33. If, owing to the exigencies of the Service, it may be necessary to place any limit on the number of Judges who may be absent on Furlough at the same time, applications not supported by medical certificate will be granted in the following order:

The Judge to whose credit the greatest amount of Furlough remains under Section 21 shall have the preference.

If two or more applicants are on an equality in this respect, the preference shall be given to the applicant whose Actual service in a High Court is longest, reckoning, in the case of a Judge who has not taken Furlough or Extraordinary leave, from the date of his commencement of service in the High Court, and, in the case of a Judge who has taken Furlough or Extraordinary leave, from the date of his last return from such Furlough or leave.

If two or more applicants are equal in both respects, the preference shall be given to the Senior in the Court.

PRIVILEGE LEAVE.

Amount available

34. (*a*) Subject to the exigencies of the Public service, a Judge, who has completed eleven months' continuous duty including the Vacation, may take Privilege leave for one month in each year; but except as provided in clause (*b*), his salary will cease during such leave. A Judge may not take Privilege leave in instalments, or more than a month at once: and, except as provided in clause (*c*), Privilege leave may not be combined with the Vacation.

Privilege leave allowance of a Vacation Judge

(*b*) A Judge, who is detained on duty as Vacation Judge, may, during his next Privilege leave, draw his salary for any period by which his vacation, consequently, falls short of one month.

Combination of Privilege leave with Vacation

(*c*) Once in three years, and not oftener, Privilege leave, during which full salary is drawn under clause (*b*), may be prefixed or affixed to the Vacation.

[NOTE.—An officer subject to the Rules of any of the other Chapters in this Code, who has for a time been removed from the operation of such Rules by reason of officiating as Judge of the High Court, shall, on return to

Section 35.

Insert the following words in the proper place in the list under this Section :—

Millett, H. . . . . Calcutta.

Add the following Section after Section 36 :—

36*A*. A Judge applying for privilege leave (whether the leave be under Section 34 or Section 36) must record a declaration that he has no intention of resigning his office and retiring from the service or of taking leave of any kind for three months after his return to duty. Though not absolutely debarred by this declaration from applying for permission to resign his office and retiring from the service, or to take leave within three months, he should, if he does so, explain his change of intention. (8) (*No. 420, dated 18th April 1884.*)

general service, have to his credit the same amount of service towards privilege leave as was at his credit when he began to officiate as High Court Judge. In addition to this, he is entitled to count towards privilege leave, under the Rules to which he is subject, any period that has elapsed since he last obtained privilege leave or enjoyed vacation as High Court Judge, which he could have counted for privilege leave as a High Court Judge if his officiating service had been prolonged until leave became admissible under the Rules applicable to Judges of the High Court.]

Officers exempted from Section 34.

35. Section 34 does not apply to the following Judges, who were in office on the date of the publication of that Rule:—

Aiyar, T. M., B.L., C.I.E.	Madras.	Oldfield, R. C.	N.-W. P.
Bayley, L. H.	Bombay.	Pinhey, R. H.	Bombay.
Cunningham, H. S.	Calcutta.	Prinsep, H. T.	Calcutta.
Garth, Sir R., Kt., Q.C.	Ditto.	Sargent, Sir C., Kt., M.A.	Bombay.
Hart, W. E.	Bombay.	Straight, D.	N.-W. P.
Kemball, C. G.	Ditto.	Stuart, Sir Robert, Kt., Q.C.	Ditto.
Kernan, J.	Madras.	Tottenham, L. R.	Calcutta.
Kindersley, J. R.	Ditto.	Turner, Sir C. A., Kt., C.I.E.	Madras.
McDonell, W. F., V.C.	Calcutta.	West, R., M.A., F.R.G.S.	Bombay.
Maclean, A. T.	Ditto.	Wilkinson, C. J.	Rangoon.
Melvill, M.	Bombay.	Wilson, A.	Calcutta.
Mitra, R. C., B.L.	Calcutta.		

Privilege Leave Rules applicable to Officers in Section 35.

36. Privilege leave may be granted to any of the Officers named in Section 35 under the following Rules:—

(1.) Subject to the exigencies of the Public service, Privilege leave for one month may be granted to a Judge who has been on duty, without interruption, for eleven months, including the Vacation.

(2.) An additional month of Privilege leave accrues to a Judge after each further period of eleven months' continuous duty, including the Vacation.

(3.) Privilege leave may not be taken in instalments; but any balance of Privilege leave not taken when due may be added to the next Privilege leave which accrues:

Provided that the whole Privilege leave taken at one time shall not exceed three months, and that any accumulation of Privilege leave beyond that period shall be forfeited.

(4.) Saving as provided in Rule (5), a Judge, when on Privilege leave, shall receive half his salary.

(5.) A Judge who discharges the duties of Vacation Judge, during the whole or any part of a Vacation, shall be entitled, for each day of such duty, to draw his full salary for one day of any Privilege leave which he may subsequently obtain.

GENERAL.

Combination Furlough and Privilege leave.

37. Furlough and Privilege leave shall not be taken, as such, in continuation of each other; but if a Judge absent on one of these classes of leave be allowed to

GENERAL.

Application for leave.

change it for another, the whole period of his absence shall be held to be under the class of leave for which it was changed.

Payment of leave allowances.

38. Applications for leave shall in all cases be submitted in such manner as the Government may from time to time prescribe.

Appointment not vacated by reason of going on leave.

39. Leave allowances shall be payable monthly if payment is taken in India, and quarterly if payment is taken in England.

Salary and office forfeited in case of overstaying leave.

40. No substantive appointment shall be vacated merely by reason of leave being granted under these Rules.

41. If a Judge shall overstay any leave, he shall forfeit all salary during the time of his remaining so absent, and if he shall so continue absent more than one week his office shall be liable to become vacant. This Rule shall not operate to oblige any Judge taking leave other than leave under Section 34, to return to duty on an authorised holiday, unless an officer is officiating as Judge in consequence of his absence.

Privilege leave and subsidiary leave count as service for pension.

42. No leave, except Privilege leave and leave subsidiary to Furlough, shall count as service for pension.

Leave allowable in case of resignation of Office and continuance thereafter in service by a Covenanted Civil Servant and a Native Civil Servant.

43. If a Judge, who is a Covenanted Civil Servant, or a Native Civil Servant, shall be permitted to resign his office and remain in the service, all leave which he may have taken as a Judge of the High Court shall be reckoned as if it had been taken under the Rules for the leave of absence of Covenanted Civil Servants or Native Civil Servants, as the case may be.

Application of Rules to certain Legal Officers.

44. The foregoing Rules regarding Furlough and Leave of Absence (Sections 20—43) are, with the modifications A and B below stated, applicable also to the following officers: provided that they were before their appointment practising Barristers of England or Ireland, or practising Members of the Faculty of Advocates of the Court of Session of Scotland:—

Judges of the Chief Court of the Punjab.

Recorder in Rangoon.

First Judges of Small Cause Courts at Presidency Towns.

Secretary to the Government of India in the Legislative Department.

Section 44.

Modification B.

Strike out the following words in the 2nd and 3rd lines of this Modification :—

"the First Judge of the Small Cause Court at Calcutta."—(36) (Financial Department No 3356, dated 11th September 1884.)

MODIFICATIONS INDICATED ABOVE.

A. The allowances of these officers while on Furlough or Subsidiary leave shall not exceed half their salaries, and shall be limited also to the rate prescribed in Section 30.

B. The Privilege leave of the Secretary to the Government of India in the Legislative Department, ~~the First Judge of the Small Cause Court at Calcutta,~~ and of the Judges of the Chief Court of the Punjab, shall be regulated by Sections 71—76.

CHAPTER V.

COVENANTED CIVIL SERVANTS NOT BEING NATIVE CIVIL SERVANTS; MILITARY OFFICERS SUBJECT TO CIVIL RULES; AND UNCOVENANTED OFFICERS BELONGING TO ONE OF THE CLASSES ENUMERATED IN SCHEDULE A AND APPOINTED THERETO BY HER MAJESTY'S SECRETARY OF STATE, OR WITH HIS PARTICULAR SANCTION, OR WHOSE NAMES ARE ENTERED IN SCHEDULE B.

GENERAL.

Superannuated Covenanted

45. No leave but Privilege leave may be granted to a Covenanted Civil Servant who has completed thirty-five years' service, or to a Military Officer in civil employ, whether subject to Civil Rules or to Military Rules, who is more than fifty-five years old. Any leave other than Privilege leave granted to a Covenanted Civil Servant before such date ceases to have effect on such date, and any leave other than Privilege leave granted in the civil department to a Military Officer in civil employ before he is fifty-five years old ceases to have effect on his fifty-fifth birth-day, on which date he reverts to military employ. The absentee allowances of a Military Officer in civil employ on leave other than Privilege leave become a military charge and he becomes subject to Military Rules on his fifty-fifth birthday, whether his leave was granted in the Military or the Civil Department.

[NOTE (4) In applying this Section to Medical Officers of the Administrative Grades in the service, namely, Surgeons General and Deputy Sur-

geons General, "sixty" or "sixtieth," as the case may be, should be substituted for the words "fifty-five" or "fifty fifth" in the Section.] * * * *

and Uncovenanted Officers.

46. An Uncovenanted Officer is eligible, after he attains the age of fifty-five years, for Privilege leave, and also for any Special leave (Sections 61 and 130) to which he may be otherwise entitled, and for no other kind of leave. Any leave, other than Privilege leave or Special leave, granted to an Uncovenanted Officer before the date on which he attains the age of fifty-five years, ceases to have effect on this date.

FURLOUGH.

[NOTE.—The Local Government in the civil department may grant Furlough *in India* under Military Rules to a Military Officer subject to Military Rules* who is entitled to Furlough under Chapter I of the Rules published by G. G. O. in the Military Department, No. 171, dated 25th February 1874.† Such Furlough should be granted only upon a certificate by the Government in the Military Department of the Presidency to which the officer belongs, that he is entitled thereto; and a copy of the order granting the Furlough should be sent to that Government.

A Local Government may not, in the civil department, grant Furlough *out of India* under Military Rules to any Military Officer subject to Military Rules.]

Aggregate admissible.

47. The amount of Furlough admissible to a Covenanted Civil Servant or a Military Officer subject to Civil Rules, and the aggregate amount of Furlough and of Special leave with allowances admissible to an Uncovenanted Officer is six years. All the Rules in this Code are subject to this limitation.

What leave under other Rules is counted as Furlough in the case of—

Explanation.—The following leave under other Rules is counted as Furlough under this Section:—

a Covenanted Civil Servant,

in the case of a Covenanted Civil Servant:—Furlough, and leave with allowances on medical certificate, under former Rules;

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* An officer proceeding on Furlough forfeits, *ipso facto*, his lien on any acting appointment. Consequently, a Military Officer, with no substantive appointment in the civil department, loses, on proceeding on Furlough, his lien on any temporary or officiating appointment in the civil department that he may have held. It is not, therefore, competent to a Local Government in the civil department to grant Furlough under Military Rules to such an officer; but if a Local Government is prepared to re-employ a Military Officer so situate in the civil department immediately on the expiry of his Furlough, it may, with reference to the note prefixed to Section 47 of the Civil Leave Code, grant him, in the civil department, Furlough in India under Military Rules.—(*No. 3453, dated 16th October 1878*)

† See Appendix C 1.

* * * *

Section 45.

Insert the following as Note (2) under this Section, numbering as (1) the present note under the Section :—

(2.) In applying this Section to Medical Officers of the rank of Surgeon-Major or Brigade Surgeon who entered the service prior to the 13th January 1860, and are, under the provisions of Article 8 of the Royal Warrant of the 16th November 1880 *(G. G. O., Military Department, No. 13, dated 7th January 1881)*, allowed to remain in the medical service for a period not exceeding three years after attaining the age of 55 years, "fifty-eight" or "fifty-eighth," as the case may be, should be substituted for the words "fifty-five" or "fifty-fifth" in the Section.—(2) *(No. 1292, dated 7th March 1884.)*

Section 46.

Insert the words "in superior service" *after* "officer" *in the first line, and the word* "such" *before* "an uncovenanted officer" *in the sixth line of this Section.*—(17) *(No. 1290, dated 28th May 1884.)*

Section 46.

After "entitled" *in the fourth line of this Section, add the following :—*

and also for Extraordinary leave without allowances under Section 16 or Section 134, provided that the total leave granted, whether Special or Extraordinary, does not exceed six months in all.—(18) *(No. 1357, dated 29th May 1884.)*

Section 48 (ii).

Substitute the following for the words "the proportion of furlough which, under Military Rules, would have become due" *in this section :—*

the amount of furlough which, under Military Rules, was due.—(192) (Finance Department Order No. 3051, dated 9th June 1897.)

1. Leave of the kind described in Definition "ACTIVE SERVICE" (*h*) on page v, and Junior Furlough under the Rules in force before the 8th June 1855, are not counted against an officer under this Section.

[NOTE.—Junior Furlough was medical leave involving loss of appointment taken before completion of three years' residence.]

in the case of a Military Officer subject to Civil Rules :—Furlough under Rules 1 and 6 of the Military Furlough and Leave Rules of 1875; a Military Officer subject to Civil Rules.

in the case of an Uncovenanted Officer :—Furlough, and leave with allowances on medical certificate, and leave on private affairs, under former Rules, or under the Rules in Chapter X. an Uncovenanted Officer.

48. The amount of Furlough "earned" by an officer is one-fourth of his Active Service. Furlough earned.

1. Leave of the kind described in Definition "ACTIVE SERVICE" (*h*) on page v, counts as Active Service under this Section.

Provisos: (i) Provided that, in making this calculation for an Uncovenanted Officer, only half of the Active Service rendered by him in offices other than those included in Schedule A shall be taken into account.

1. The whole of the Active Service rendered by the officer while officiating in any of the offices included in Schedule A is to be taken into account.

(ii) Provided, also, that a Military Officer subject to Civil Rules may add to the furlough he may earn under Civil Rules, (a) ~~the proportion of furlough which, under Military Rules, would have become due~~ to him for his service previous to the date from which he is entitled to count Active Service under the Rules in this Code.

49. The amount of Furlough "due" to an officer is the amount which he has earned, diminished by— Amount due.

in the case of a Covenanted Civil Servant:

(1) the Furlough which he has enjoyed under these or any former Rules, except Junior Furlough under the Rules in force before the 8th June 1855;

(2) the excess over one year in the amount of leave with allowances on medical certificate which he has enjoyed under former Rules;

in the case of a Military Officer subject to Civil Rules:

(3) the Furlough which he has enjoyed under the Rules of this Code, or Rules 1 and 6 (a) of the Military Furlough and Leave Rules of 1875;

in the case of an Uncovenanted Officer:

(4) the Furlough, or Special leave with allowances, which he has enjoyed under these or any other Rules;

(5) The leave on private affairs, or on medical certificate with allowances, which he has enjoyed under the Rules formerly applicable to him:

Proviso: Provided that if more than two years' Furlough be due to an Uncovenanted Officer when he first becomes subject to these Rules, the excess shall be cancelled.

Amount admissible after three years' service.

50. To an officer who has rendered three years' Continuous Service, Furlough for not more than two years may be granted, as follows:—

on medical certificate:—unconditionally; *see Section 79, Rules 10 to 18;*

without medical certificate*:—subject to these provisos:—

(1) that the Furlough be due to him;

(2) that he has rendered eight years' Active Service in Civil employ

(3) if a Military Officer subject to Civil Rules, who has not rendered eight years' Active Service in Civil employ and

(*a*) if the Furlough which he applies for is his first Furlough—that he has two years' Furlough due to him under the calculation in Proviso (ii) under Section 48; or

(*b*) if the Furlough applied for be other than his first Furlough—that he has render-

* In continuation of my demi-official letter No. 1732, dated 28th June 1883, I am directed to say that the restriction in paragraph 5 of Secretary of State's Military Despatch No. 274, dated 18th August 1881, as to the period of Sick leave out of India granted to officers by the Governments in India, does not apply to officers whose leave is granted under the rules in the Civil Leave Code, but only to officers who are granted leave under any of the Military Furlough Rules. (*To Accountant General, Bengal, No. 2804, dated 22nd August 1883.*)

Section 49 (3).

Add the following footnote, with the mark ‡, putting a similar mark ‡ against the figure 6 in this Rule :—

"(See footnote ‡ to clause 6 of the Military Furlough Rules of 1875 in page 251)."—(103) (Finance Department Order No. 2785, dated the 2nd September 1885.)

Section 50 (2) and 50 (3).

For the words "Active Service" *in this section, substitute* Active Service in civil employ.—(192). (Finance Department Order No. 3051, dated 9th June 1887.)

ed three years' Continuous Service since his return from Furlough;

(4) that the whole number of officers absent on Furlough and Special leave do not exceed the limit (if any) appointed by the Government of India.

Limit.

1. Except on medical certificate or on very urgent private affairs, Furlough or Special leave may not be granted to any Covenanted Civil Servant, or to any Military Officer subject to Civil Rules, or to any Uncovenanted Officer who is, if employed in Oudh, the Central Provinces, British Burma, Assam, Ajmir, Coorg or Berar, a member of the Commission, or who is, if employed elsewhere, the holder of an office corresponding to that of a member of a Commission, if one-fifth of all the officers of a Commission, or of all officers holding appointments similar to those of members of a Commission, as the case may be, are already absent on Furlough or Special leave.

Extension

51. Furlough granted under Section 50 may, on medical certificate, be extended to not more than three years.

After less than three years' service.

52. To an officer who has not rendered three years' Continuous Service, Furlough for not more than one year may be granted on medical certificate.

Extension

53. Furlough granted under Section 52 for less than one year may, on medical certificate, be extended to not more than one year.

Lien.

54. (*a*) Subject to his good conduct and efficiency, an officer on Ordinary Furlough has a lien on his substantive appointment, or on a substantive appointment of a like character and not less pay.

On Ordinary Furlough.

Explanation.—Ordinary Furlough includes—

(1) the first two years of each separate period of Furlough under Section 50, including any extension under Section 51;

1. Ordinary Furlough can, under no circumstances, extend beyond two years at one time.

(2) so much of Furlough under Section 52, including any extension under Section 53, as may be due: Provided that the officer have rendered six months' Continuous Active Service.

On other Furlough.

(*b*) On other Furlough, a Covenanted Civil Servant or a Military Officer subject to Civil Rules has no lien; but an Uncovenanted Officer has a lien.

CHAP V. **Covenanted Civil Servants not being Native Civil Servants, &c.**

FURLOUGH.

May not be surrendered

1.* An officer may not surrender his lien; and, except on the ground of the officer's misbehaviour or inefficiency, a Local Government may not fill up substantively, even for a time only an appointment on which an officer has a lien, without transferring the officer to another substantive appointment of not less pay. The saving which accrues to the State by paying acting, instead of substantive, allowances, must be carefully secured as a set-off against the cost of leave allowances.

Joining

2.* An officer may have a lien on an appointment without having actually joined it.

Promotion

3.* An officer on Furlough has no claim to substantive promotion; but there is no objection to such promotion. (*See Section 6.*)

Acting

4.* An officer on Furlough has no lien on an acting appointment.

Only substantively appointed officers can get furlough

5. An officer cannot obtain Ordinary Furlough or retain allowances under Section 57 unless he has a substantive appointment. A Military Officer who has no substantive civil appointment continues subject to Military Rules, and can only get Military Furlough allowances.

Date of beginning and ending of Furlough and Special Leave

55. † Saving as provided in Section 67, Furlough and Special leave out of India begin on, and include, the day of the departure of the vessel in which the officer sails, and end on, and include, the day before the arrival of the vessel in which the officer returns.

DEFINITION.—The day on which the vessel in which the officer sails quits her moorings or anchorage, whether she leaves the limits of the port or not on that day, is the day of the departure of the vessel. The day of arrival of the vessel in which the officer returns, is the day on which the vessel reaches her moorings or anchorage in port.

Port of embarkation and of debarkation.

1.† An officer may leave India, or return to India, by any port; but his Furlough or Special leave begins on the vessel's departure from the port where he first meets it, and ends on the day before its arrival at the port where he last quits it:

Example—The Furlough or Special leave of an officer sailing from Calcutta in a vessel which touches at Madras, begins on the departure of the vessel from Calcutta, and not from Madras.

Persia or Arabia

2.†‡ An officer serving in Persia or Arabia may leave the country in which he is serving, or return to it, by any port or frontier town except Aden. The date of his departure or return must be certified by the British Consul, or, if there be no British Consul, by the officer himself.

Report of departure or arrival

3.† An officer taking Furlough or Special leave out of India must report his embarkation to the Local Government which granted his leave, and his arrival in England to the Secretary of State.

* Applies to all officers.
† Applies to a Military officer subject to Military Rules.
‡ Applies to all officers excepting officers subject to Chapter X.

(unless the Officer is absent on leave without allowances

Section 54.

Rule 5.

Insert the following Note under this Rule :—

[NOTE.—A Military Officer holding the appointment of Commandant or Adjutant of the Burma or Assam Police Battalions retains a lien on his appointment while on furlough under the Military Rules to which he is subject]—(207) (Financial Department Order No 4293, dated the 10th August 1887.)

Section 55.

Rule 4.

Strike out this rule and its foot-note.—(47) (No. 2290, dated the 19th December 1884.)

Sections 57, 58, and 59.

Substitute the following for these sections :—

57. An officer on ordinary furlough is entitled to a leave allowance equal to half his average salary subject to the following limits :—

(*a*) in the case of a Covenanted Civil Servant—

(*i*) if paid at the Home Treasury of the Government of India, maximum £250 a quarter, and minimum £125 a quarter, or his last salary, whichever is less;

(*ii*) if paid in India, maximum R833⅓ a month, and minimum R416⅔ a month, or his last salary, whichever is less;

(*b*) in the case of a Military Officer subject to Civil Rules—

the same maxima and minima as in the case of a Covenanted Civil Servant. Provided that, during furlough added, under proviso ii to Section 48, to the furlough earned under Civil Rules, the minimum shall be that prescribed by the Military Rules to which the officer was previously subject;

(*c*) in the case of an Uncovenanted Officer—

(*i*) if paid at the Home Treasury of the Government of India, maximum £200 a quarter; no minimum.

(*ii*) if paid in India, maximum R666⅔ a month; no minimum.

Rule 1.—In the case of a military officer subject to military rules who takes subsidiary or preparatory leave before furlough, the words "prior to his proceeding on furlough" in Rule V of the Military Furlough Regulations of the 10th November 1868 shall be understood to mean *before he is relieved of his duties.*

Rule 2.—An officer on furlough or special leave does not forfeit his past leave allowances by resigning the service without returning to India.—(234) (Finance Department No 1656, dated 28th March 1888)

FURLOUGH.

Return by particular vessels.

*. The grant by the Secretary of State to an officer on leave of permission to return to duty by a particular vessel is equivalent to an extension of his leave, without prejudice to his appointment, until the day on which the vessel arrives, but does not give him any claim to allowances not admissible by Rule.

Resumption of particular Office after leave.

56. An officer is not entitled, at the end of Furlough or Special leave, or Subsidiary leave affixed thereto, to resume, as a matter of course, without further orders, the particular appointment which he vacated before his Furlough or Special leave. He should report his return to duty in the manner prescribed in Section 165, Rule 6, and await orders.

Allowances on ordinary furlough.

57. An officer on Ordinary Furlough is entitled, subject to the limitations prescribed in Sections 58 and 59, to a leave allowance equal to half his Average Salary.

Military Officer subject to Military Rules.

1. In the case of a Military Officer subject to Military Rules who takes Subsidiary or Preparatory leave before Furlough, the words "prior to his proceeding on Furlough" in Rule V of the Military Furlough Regulations of the 10th November 1868, shall be understood to mean *before he is relieved of his duties.*

Maximum allowance for a Covenanted Civil Servant or a Military Officer

58. The maximum leave allowance of a Covenanted Civil Servant or a Military Officer subject to Civil Rules, on Ordinary Furlough, is, if paid at the Home treasury of the Government of India, £ 250 a quarter; if paid in India, Rs. 833⅓ a month. The minimum is, if paid at the Home treasury, £125 a quarter, or his last salary, whichever is less; if paid in India, Rs. 416⅔ a month, or his last salary, whichever is less.

and for an Uncovenanted Officer.

59. The maximum leave allowance of an Uncovenanted Officer on Ordinary Furlough is, if paid at the Home treasury of the Government of India, £200 a quarter; if paid in India, Rs. 666⅔ a month. There is no minimum.

1. An officer on Furlough or Special leave does not forfeit his past leave allowances by resigning the Service without returning to India.

Allowance on other furlough.

60. An officer on Furlough other than Ordinary is entitled, if a Covenanted Civil Servant or a Military Officer subject to Civil Rules, to Subsistence Allowance; if an Uncovenanted Officer, to £120 a quarter paid at the Home treasury, or Rs. 400 a month paid in India, or to one-quarter of his Average Salary, whichever is less.

~~* Applies to all officers.~~

CHAP. V. Covenanted Civil Servants not being Native Civil Servants, &c.

SPECIAL LEAVE.

Subsistence allowance.

1.* The following are the rates of monthly Subsistence Allowance for a Covenanted Civil Servant or a Military Officer subject to Civil Rules :—

	Rs.
To an officer of not more than eight years' actual residence in India	250
To an officer of more than eight, but less than twelve years' actual residence in India	320
To an officer of twelve or more years' actual residence in India	400

SPECIAL LEAVE.

Amount admissible.

61. Special leave on urgent private affairs may be granted at any time for not more than six months :

Provided that an officer who has had Special leave must render six years' Active Service before he can again have such leave.

1. The corresponding leave under the Covenanted Civil Service Leave Rules in force before the 1st July 1868 is "Special Leave" within the meaning of this Proviso.

Leave on Private Affairs under Chapter X does not debar an Uncovenanted Officer from Special leave.

2. An Uncovenanted officer is not debarred from obtaining Special leave with allowances under this Section by reason of his having had leave on Private Affairs under the Rules in Chapter X which is Furlough in another form.

Lien.

62. An officer on Special leave has a lien on his substantive appointment, or on a substantive appointment of a like character and not less pay, as if he were on Ordinary Furlough.

(See Rules under Section 54.)

Allowance.

63. (*a*) For the first six months for which an officer is on Special leave, whether the six months be included in the same leave or not, he is entitled to the leave allowance admissible under Sections 57, 58, and 59.

(*b*) Thereafter, he is entitled to no leave allowance.

1. The corresponding leave under the Covenanted Civil Service Leave Rules in force before the 1st July 1868 is "Special leave" within the meaning of this Section.

* The monthly Subsistence Allowance of a Native Civil Servant when out of employ is as follows :—

	Rs.
To an officer who has rendered not more than eight years' Active Service	250
To an officer who has rendered more than eight, but less than twelve years' Active Service	320
To an officer who has rendered not less than twelve years' Active Service	400

Section 61.

Rule 1.

(a) Add the following to this rule :—

Furlough under Rules XI ~~and XXV~~ of the Military Furlough Rules of 1868, ~~corresponds to special leave under this section.—~~ are
(163) (Finance Department Order No. 3173, dated 16th September 1886.)

Section 63.

Insert the following as Rule 2 under this Section :—

2 A Military Officer in Civil employ, subject to the Military Furlough Rules of 1868, is entitled, during the first six months of his special leave under Sections 61 to 63, to an allowance of half his average salary, subject to a minimum of £250 a year.—(201)
(Financial Department Order No. 3911, dated 21st July 1887)

SUBSIDIARY LEAVE.

Purpose for which Subsidiary leave is allowed.

64.* (*a*) SUBSIDIARY LEAVE is the time allowed—

(1) to an officer leaving India, on retiring from the Service, or on Furlough or Special leave, to break up his domestic establishment and travel to the port of embarkation, and

(2) to an officer returning to India from Furlough or Special leave, to travel from the port of debarkation and re-organise his domestic establishment.

[NOTE.—The use of the words "port of embarkation" and "port of debarkation" limits the grant of Subsidiary leave to an officer leaving *India* by sea,—that is, at an Indian sea-port No Subsidiary leave is admissible to an officer who does not leave India by *sea*.]

Grant implied in the grant of permission to retire, or of Furlough or Special Leave.

(*b*) The grant to an officer leaving India—

(1) of permission to retire from the Service, or

(2) of Furlough or Special leave out of India,

carries with it the grant of Subsidiary leave, including, in Case (2), Subsidiary leave on his return to duty.

Military Officer subject to Military Rules.

1. With the previous consent of the Government of India, or, as the case may be, of the Government of Madras or Bombay, in the Military Department, Subsidiary leave preparatory to his retirement from the Service may be granted to a Military Officer subject to Military Rules.

Leave to cease on resignation.

2 * The Subsidiary leave of an officer ceases when he actually resigns the Service.

Military Officer subject to Military Rules.

3. Whenever the Furlough of a Military Officer subject to Military Rules begins before embarkation or ends after disembarkation, the Accountant General should inform the Government of India, Madras, or Bombay, as the case may be, of the date on which it begins or ends.

Waiting for a passage in a troop-ship.

4. If a Military Officer subject to Military Rules is unavoidably detained at a Presidency town beyond the usual period of Subsidiary leave, waiting for a passage in a troop-ship, the period of such detention is included in Subsidiary leave, even though the period may be in excess of the maximum term of Subsidiary leave admissible (30 days).

Detention for medical observation.

5.* If a Medical Board or Officer detains an applicant under observation, under Section 79, Rule 12, before finally granting or refusing a medical certificate, the Medical Board or Officer should give a certificate to the applicant as follows :—

A. B. having applied to us (or me) for a medical certificate under Section 79, Rule 11, of the Civil Leave Code, we (or I) consider it expedient, before

* Applies to a Military Officer subject to Military Rules

SUBSIDIARY LEAVE.

granting or refusing such a certificate to A. B., to detain him under professional observation for (x) days.

If the applicant appears before the Medical Board or Officer during his Subsidiary leave, the effect of this certificate will be to prolong his Subsidiary leave, to the date on which the period mentioned in the certificate expires.

How calculated.

65.* The minimum Subsidiary leave is ten days; otherwise Subsidiary leave is calculated as Joining Time is calculated (*Section 160, Rule 2.*)

[NOTE.—All the provisos to Rule 2 under Section 160 apply equally in the case of Subsidiary leave.]

Maximum period may in certain circumstances be extended.

1. If an officer who, under the Rules of his Service, is entitled to a free passage in a troop-ship when proceeding on leave out of India, is, after having been granted Subsidiary leave, detained waiting for a troop-ship, through no fault of his own, his Subsidiary leave may be extended to the date of the sailing of the vessel in which he is provided with a passage, without reference to the maximum period of thirty days for which Subsidiary leave can be granted under the ordinary Rules of the Code.

Failure to obtain medical certificate.

66.* If an officer eventually fails to obtain the medical certificate required by Section 79, Rule 11 or 14, he is entitled to Joining Time from the date on which the decision of the Medical Board or Officer is communicated to him, to enable him to return to his appointment. During this Joining Time, his allowances are regulated as if he was on Subsidiary leave.

Not admissible except with Furlough or Special Leave out of India.

67.* An officer may take Furlough or Special leave partly in and partly out of India. But Subsidiary leave is not admissible unless the Furlough or Special leave begins or, as the case may be, ends, as Furlough or Special leave out of India.

Exception.

Proviso : If an officer going on Furlough or Special leave out of India, is prevented by sickness or other urgent and adequate reason not within his own control, such, for example, as the postponement of the departure of the vessel in which his passage is engaged, from embarking within his Subsidiary leave, the Local Government may order that his Furlough or Special leave shall begin in India at the end of his Subsidiary leave, without forfeiture of his Subsidiary leave.

Remaining in India after end of Subsidiary Leave.

1.* In the absence of such special order, if an officer remains in India after the end of Subsidiary leave, his Furlough or Special leave dates from the begining of his Subsidiary leave.

* Applies to a Military Officer subject to Military Rules.

SUBSIDIARY LEAVE.

Not ordinarily admissible in the case of premature return to duty.

2.* An officer returning to India, without the permission of the authority which granted him leave, more than fourteen days before the end of his Furlough or Special leave, is not entitled to Subsidiary leave, save under the special orders of the Local Government.

Military officer subject to Military Rules.

3. A Military Officer subject to Military Rules ~~is not entitled to~~ Subsidiary leave ~~without the orders of the Government of India, or, as the case may be, the Government of Madras or Bombay, in the Military Department. If Subsidiary leave is granted to such an officer, it is calculated by the Rules in Sections 64—67, and his allowances during such leave~~ are regulated as if he were subject to Civil Rules.

Provisos—

i. If under the action of the Leave Rules such an officer have lost his lien on his appointment, he draws allowances under Military Rules during his Subsidiary leave.

ii. His allowances on Subsidiary leave must not be less than his allowances during the Furlough to which the leave is subsidiary.

[NOTE.—The Subsistence allowance of a Military Officer subject to Military Rules is that prescribed in Rule 1, under Section 60.]

Lien.

68. An officer on Subsidiary leave under Section 64 (*a*) (1) has or has not a lien on an appointment, according as he has or has not such lien on the first day of the leave to which it is subsidiary.

[NOTE.—A Military Officer subject to Military Rules does not lose his lien during Subsidiary leave preparatory to Furlough.]

69. An officer on Subsidiary leave under Section 64 (*a*) (2) has or has not a lien on an appointment, according as he has or has not such lien on the day last preceding the Subsidiary leave.

Allowance.

70. An officer on Subsidiary leave is entitled to allowances as follows:—

(*a*) If the leave be subsidiary to Special leave, and the officer have had leave subsidiary to a former Special Leave:—no allowance.

1. The corresponding leave under the Covenanted Civil Service Rules in force before the 1st July 1868 is Special leave within the meaning of this clause.

Ordinary furlough.

(*b*) If the leave be subsidiary to Ordinary Furlough, or Special leave:—the allowance admissible under Section 57, but calculated, in the case of a Covenanted Civil Servant or a Military Officer subject to Civil Rules,

* Applies to all officers, including Military Officers subject to Military Rules.

without the limitations of maximum or minimum prescribed by Section 58. The limitations prescribed by Section 59 apply to the allowances of an Uncovenanted Officer on Subsidiary leave.

Other furlough

(*c*) If the leave be subsidiary to Furlough other than Ordinary:—the allowance admissible under Section 60.

Without lien.

(*d*) If the officer, under Section 165, have ceased to have a lien on a substantive appointment—as, for example, if a Covenanted Officer has been absent on Extraordinary leave in extension of Furlough—in the case of a Covenanted Civil Servant or a Military Officer subject to Civil Rules:—Subsistence Allowance; and in the case of an Uncovenanted Officer:—no allowance.

Privilege leave allowances

1.* An officer may draw allowances as if he were on Privilege leave, for any part of his Subsidiary leave under Section 64 (*a*) (1) for which, if he were not retiring from the Service, or going on Furlough or Special leave, Privilege leave would be admissible to him. It is to be observed that an officer who has no lien on an appointment cannot benefit by this Rule (*see Rule 3 under Section 76*)

PRIVILEGE LEAVE.

[The Rules in this Chapter apply to Military Officers subject to Military Rules.]

Limit.

71. The amount of Privilege leave admissible at one time is limited to three calendar months.

Amount earned.

(c) **72.** The amount of Privilege leave earned by an officer is one-eleventh part of the time during which he has been on duty without interruption: Provided that no Privilege leave can be earned by an officer by duty done while three months' such leave is due to him, and that, whenever duty is interrupted, all claim to Privilege leave earned theretofore is forfeited. Absence on Privilege leave, though not counting as duty, is not an interruption of duty within the meaning of this Section.

Process of calculation

1. The calculation must be made as follows:—One calendar month for every eleven complete calendar months of duty, and one day for every eleven days of the balance.

Subsidiary leave not reckoned as duty.

2. Time spent on Subsidiary leave does not qualify for Privilege leave: but if an officer, returning from leave, not before the expiration thereof, be, only for the convenience of the Local Government and not for any fault of his own, prevented from join-

* Applies to a Military Officer subject to Military Rules

(b)

Section 70.

Add the following as clause (e) of this Section, the Rule 1 which is now shown under clause (d) being in future shown under clause (e) :—

(e) If the leave be preparatory to retirement, the allowances which would be admissible if the officer were proceeding on leave of such description as may be admissible to him.—(19) *No. 1346, dated 30th May 1884.)*

(a)

Section 70.

Add the following to the last sentence of Clause (e) of this Section :—

(a)

"And if no leave is admissible, subsistence allowance only."—(28) (Financial Department No. 2429, dated 25th July 1884.)

Section 71.

(c)

Add the following Exception to this Section :—

Exception.—"Officers stationed in the Andamans and Nicobars are allowed, on each occasion when they may wish to take privilege leave, the option between the following two courses, namely,—

"(*a*) To accumulate privilege leave up to three months and fifteen days.

"(*b*) To overstay any privilege leave due by fifteen days without forfeiting pay or appointment, provided that, in the case of such overstay, the officer shall not begin to count service towards future privilege leave until he shall have served a period of time proportionate to the amount of overstay, that is, eleven times the period of overstay."—(44) (No. 2208, dated the 18th December 1884.)

ing an appointment on which he has a lien, or be kept out of employ on Subsistence allowance, then, duty qualifying for Privilege leave begins on the day on which he presents himself to the Local Government ready for duty.

Beginning of qualifying service.

3. When an officer is first appointed to the Public Service, duty qualifying for Privilege leave does not begin until he takes charge of the office to which he is appointed.

Examination leave reckons as duty.

4. Examination leave may, if the examination for which it is granted be successfully passed, or, unless the officer has already had twelve months' Examination leave, count as duty qualifying for Privilege leave. Examination leave does not interrupt duty within the meaning of this Section, unless in the case of leave granted under clauses (*c*) and (*d*) of Rule 1 in Section 77, the officer fails to pass the examination for which the leave is granted.

Suspension does not reckon as duty.

5. Suspension from office as a penalty for misconduct is an interruption of duty within the meaning of Sections 72 and 74.

In what cases suspension is no interruption to duty

6. The suspension of an officer from office pending enquiry into his conduct interrupts his duty or not as the Local Government may in each case decide. Time passed under such suspension does not qualify for Privilege leave, unless, in any case, the Local Government expressly orders that it shall so qualify.

Absence after the end of leave interrupts duty.

7. If an officer remains absent after the end of Privilege leave his duty is interrupted within the meaning of Sections 72 and 74. But if the Local Government considers that his default was due to circumstances beyond his control, it may remit the penalty.

Absence after Examination leave or of joining time does not reckon as duty.

8. If an officer remains absent after the end of Examination leave, or of Joining Time, the period of absence cannot count as duty qualifying for Privilege leave, and, unless the absence is accounted for to the satisfaction of the Local Government, it is an interruption of duty within the meaning of Sections 72 and 74.

Marine Officer.

9. An officer, Warrant or Petty officer, of Indian Government sea-going, inland, or harbour vessels and hulks, is, in case of sickness or injury, ordinarily treated on board his vessel, and is entitled to full pay for a period not exceeding six weeks. If sent to a hospital such an officer is, unless the disease or injury is certified by a responsible Medical Officer to have been caused by an offence* committed by him, entitled to full pay for a period of six weeks, inclusive of any time passed on board his ship sick quarters. Time thus spent in ship sick quarters or in hospital on shore, up to a period of six weeks, is not an interruption of duty within the meaning of Sections 72 and 74. An officer of the Marine Department who holds a shore appointment is not entitled to this concession.

Military officers.

10. In calculating the Privilege leave of a Military Officer subject to Military Rules, no distinction should be made between an officer who has a substantive civil appointment and an officer who is merely officiating in the civil department. The leave is

* Malingering, Wilful maiming, Wilful aggravating of disease or injury, Drunkenness.

PRIVILEGE LEAVE.

earned by uninterrupted duty in either the civil or the military department. But such a Military Officer who has taken, in any calendar year, the Privilege leave which is admissible to him for this year, under the Rules of the Military Department, does not begin to count service for Privilege leave in the Civil Department until the first day of the following year.

Amount due

73. The Privilege leave due to an officer is the Privilege leave which he has earned, less the period during which he has been absent on Privilege leave.

Officers in departments in which vacations are allowed, and District and Sessions Judges.

1. Privilege leave is not admissible to—

(*a.*) Officers serving in departments in which regular vacations are allowed, during which the officers are permitted to be absent from duty (*e. g.* Uncovenanted Judicial Officers, Educational Officers, Officers in a High Court).

(*b.*) District and Sessions Judges who are permitted to avail themselves of the periodical court vacations.

But in case of urgent necessity, Privilege leave may be granted to any such officer under the ordinary Rules, subject to the conditions (1) that the officer shall during his absence receive only half the salary and allowances ordinarily admissible during Privilege leave, and (2) that the leave cannot in any case be combined with vacation.

Officers prevented from enjoying vacation.

2. Rule I does not apply to the case of an officer who is, by general or special orders issued by competent authority, prevented in any year from availing himself of the vacation or vacations by reason of his having to remain at his post on duty. In such a case, Privilege leave may be granted under the ordinary Rules; provided always that the leave shall not in any case be combined with vacation.

[NOTE.—District Judges who are also Sessions Judges being ordinarily required to remain at their stations during the periodical Court vacations, for the purpose of holding criminal sessions and trying criminal appeals, the special orders referred to in Rule 2 are not applicable to them, and are therefore not necessary in order to support the claim of a Sessions Judge to Privilege leave. A Sessions Judge who remains at his station on duty during the Court vacation is eligible for Privilege leave under the ordinary Rules. When applying for Privilege leave under the ordinary rules, a Sessions Judge should append to his application a certificate that he remained at his station on duty during the Court vacation. If he has not remained at his station on duty during the whole term of the vacation, he should state in the certificate the date on which he left his station and the date on which returned to duty. In the case of a Sessions Judge who has been absent from his station for a portion of the vacation, a period equal to the number of days of his absence should be deducted from his Privilege leave.]

Officers prevented from enjoying part of vacation.

3. An officer who is, by general or special orders issued by competent authority, prevented from availing himself of a part

Section 73.

Rule 2.

Cancel the Note under this Rule, and substitute the following :—

[NOTE.—Sessions Judges in most Provinces are ordinarily required to dispose of certain criminal work at their stations during the periodical Court vacations ; but the work to be done is often insufficient to require their presence at their stations during the whole vacation. A Sessions Judge or other officer whose work requires him to be present at his station for a portion of the vacation is eligible for privilege leave under the ordinary rules, provided he has not been absent from his station for more than 15 days of the vacation. If he has been absent for more than 15 days, his title to privilege leave is regulated by Rules 1 and 3 under this Section. Any such officer applying for privilege leave under the ordinary rules must attach to his application a certificate that he was not absent from his station for more than 15 days in any of the vacations included in the period of service by which the privilege leave claimed has been earned.]—(80) (Finance Department Order No 1271, dated the 5th June 1885)

4. An officer transferred from a Dept to which the ordinary privilege leave rules apply, to one in which Rule 1 under Sec. 73 applies, loses all claim to the privilege leave at his credit, provided that.

(a) Any privilege leave granted to him during the first 3 years after his transfer, under Rule 1 of Sec. 73, may in the extent of the privilege leave at his credit as aforesaid, be leave on the salary which would have been admissible if he had taken the leave immediately before being transferred.

(b) If the return to a Dept in which privilege leave is regulated by the ordinary rules, he shall be reckoned as such returned to have at his credit the amount of leave which was at his credit at the time of the first transfer, less any amount so granted under proviso (a)

The reckoning under this rule shall not, in any case, extend backwards over an interruption of duty.

Section 74.

Rule 1.

Insert the following "Note" *under this Rule :—*

"[NOTE.—See Note 1 under Section 78.]"—(114) (Finance Department Order No. 3268, dated the 29th September 1883.)

1 Except as provided in rules 1 & 4 under Sec. 73

only of a periodical vacation may, during Privilege leave subsequently taken, draw his full salary for a period bearing the same proportion, if the vacation be annual, to a month, or if it be half-yearly, to half a month, as the time spent on duty during the vacation bears to the whole vacation.

[NOTE.—This Rule operates only in the case of an officer who is absent during vacation, when privilege leave earned under the operation of the ordinary rules is not due to him. ~~In cases in which privilege leave under the ordinary rules is due, enjoyment of the vacation or part thereof, not exceeding the amount of privilege leave due, shall be considered in reckoning the amount of privilege leave afterwards due.~~]

Condition of grant.

74. To an officer who has been on duty, without interruption, for eleven calendar months, and who has not, for six calendar months, been absent on Privilege leave, the whole or any part of the Privilege leave due to him may be granted.

Declaration required.

1. An officer applying for Privilege leave must record a declaration that he has no intention of retiring or of taking Furlough, Special leave, Subsidiary leave, leave on private affairs, or leave on medical certificate, for three months after his return to duty. Though not absolutely debarred by this declaration from applying for permission to retire or to take such leave within the three months, he should, if he does so, explain his change of mind.

Lien.

75. An officer on Privilege leave has a lien on his substantive appointment; he has also a lien on his officiating appointment, so long as it is not resumed by an officer having a superior lien on it.

Allowances.

76. An officer on Privilege leave is entitled to a leave allowance equal to the salary which he would receive if he were on duty in the appointment on which he has a lien.

[NOTE.—The right to receive privilege leave allowances is contingent on the return of an officer to duty upon the expiry of such leave, whatever be the branch of the service to which an officer belongs.]

Holding an appointment sanctioned for limited time.

1. If Privilege leave is granted to an officer who holds an appointment sanctioned only for a limited time and for a special purpose, he is not entitled, during Privilege leave, to any special allowance attached to the appointment.

Acting allowances.

2. An officer on Privilege leave is entitled to a leave allowance equal to his salary, even though another officer be appointed to act for him.

Without an appointment.

3. An officer who has no lien on an appointment is entitled, during Privilege leave—

in the case of a Covenanted Civil Servant or a Military Officer subject to Civil Rules—to Subsistence allowance;

in the case of an Uncovenanted Officer—to no allowance.

EXAMINATION LEAVE

Leave taken on transfer

4. If an officer, on transfer from one appointment to another, obtains Privilege leave without joining his new office, his leave allowance shall not be less than it would have been if he had joined his new office before taking leave.

5. A local allowance may be drawn by an officer on Privilege leave, provided that it is not drawn by his *locum tenens*.

[NOTE.—An officer on Privilege leave may draw Presidency allowance or Presidency house-rent, provided that no extra expense is thereby caused to the State.]

House rent in Bombay

6. In the Bombay Presidency, an officer on Privilege leave may draw the House-rent attached to his appointment, if he places his house at the disposal of the officer, if any, who officiates for him. The officiating officer cannot, in such case, draw the House-rent attached to the appointment. But if the officer, for a reason which the Local Government considers sufficient, refuses the accommodation placed at his disposal, the allowance is to be drawn by him and not by the absentee.

Tentage in Madras.

7. In the Madras Presidency, an officer on Privilege leave is entitled to draw his ordinary tentage, the officer officiating for him being allowed to draw only the tentage of his substantive rank.

Tentage in the Revenue Survey Department, Bombay

~~8. In the Bombay Presidency an officer of the Revenue Survey Department on Privilege leave, may draw his tentage on the conditions prescribed as to House-rent in the Bombay Presidency in Rule 6.~~

Geological Survey.

9. An Assistant in the Geological Survey of India on Privilege leave may draw the House-rent and Horse-allowance of his office, provided that they are not claimed by an officer officiating for him during his absence.

Medical Subordinate.

10. A Military Medical Subordinate employed in the civil department may, when on Privilege leave, draw the special allowances of his appointment, such as House-rent, Horse-allowance, &c., provided that they are not drawn by any officer during his absence.

Police Inspector, Madras

11. A Police Inspector in Madras on Privilege leave may draw any Horse-allowance to which he is entitled while on duty, provided that such allowance is not claimed by an officer officiating for him during his absence.

EXAMINATION LEAVE.

[The Rules in Section 77 do not apply to officers employed in the Public Works Department, in the Survey Department under the Surveyor General of India, or in the Forest Department: the Rules in this Section apply to Military Officers subject to Military Rules serving in any other Civil Department.]

77. The following Rules regulate the grant of leave to enable officers to appear at examinations :—

1. (*a*) A Covenanted Civil Servant or a Military Officer subject to Civil Rules, who is a candidate for a reward by the Higher Standard in Persian or Sanskrit, or by the High Proficiency Standard in the vernacular languages or Sanskrit or the Burmese Lan-

Section 76, Rule 8.

Substitute the following for this Rule :—

8 In the Bombay Presidency, Superintendents and Assistant Superintendents of the Revenue Survey Department on privilege leave may draw their tentage on the conditions prescribed as to house-rent in the Bombay Presidency in Rule 6.—(20) (No. 1585, dated 12th June 1884)

Section 77.

Clause (b).

Substitute the following for the last line of this clause :—

for one month before the examination, and, if he passes, for another month after it.

Clause (c).

Substitute the following for the first six words of this clause :—

The whole period of two months' leave—(186) (Finance Department Order No. 2820, dated 26th May 1887)

Section 78.

Add the words "and Section 16" *after* "Section 64" *in line 1 of this section.*—(219.) Finance Department No. 6206, dated 24th November 1887)

guage, or by the Degree of Honor Standard in the vernacular languages or Sanskrit or the Burmese Language, is entitled to Joining Time to and from the place of examination, besides leave for the day or days of examination.

(*b*) A candidate for a reward by the Higher Standard in Arabic, or for High Proficiency in Arabic or Persian, may be allowed leave ~~for one month, and, if he passes the examination, for two months.~~

(*c*) ~~The maximum leave for two months~~ authorised by clause (*b*) may be prefixed to the examination if the candidate undertakes to spend it in study under professional tuition at a Presidency Town.

(*d*) An officer who is a candidate for the Degree of Honor in Arabic or Persian, may be allowed, instead of the leave for two months provided in clause (*c*), leave for three months to Persia for Persian; and to Arabia, Mesopotamia, Egypt or Syria for Arabic.

Lien.

2. An officer on leave under Rule 1 has a lien on his appointment, substantive or officiating, and is entitled to leave allowances, as if he were on Privilege leave, for an aggregate maximum period of twelve months.

Attendance at departmental examinations.

3. An officer while absent from his Office or from his Station to attend an obligatory Departmental Examination, or (in the Punjab) an Examination in Pushtu or Biluchi, is considered to be on duty.

No preparatory leave.

4. Leave may not be given under Rule 3 to an officer to prepare for examination, or for recreation after examination. A reasonable time, including the day or days of examination, should be allowed for the journey to and from the place of examination, and nothing more.

Military Officer.

5. Leave may not be granted under this Section to a Military Officer subject to Military Rules to enable him to pass an examination under the orders of the Government of India in the Military Department, No. 1009, dated 3rd December 1866.

EXTENSION AND COMMUTATION OF LEAVE.

Extension and commutation.

78.* Except as provided in Section 64, no kind of leave can be granted in continuation of any other kind; but any leave granted under the Rules in this Code may be retrospectively changed for any other kind or period† of leave which might at first have been granted:

* In 1871 two officers were allowed to take Special leave of absence under Section 61, in continuation of Privilege leave under Sections 71-74. The concessions were made, in each case, on public grounds only, the officers having undertaken to perform certain important public duties in England. The Secretary of State, however, wrote upon the second case:

"In permitting C. D. to take Privilege leave and Special leave together, you have followed the course adopted in A. B.'s case.

"Grants of leave in direct opposition to the Furlough Rules cause inconvenience and create embarrassing precedents, and I request that no similar concession may be granted in future."—(*Financial Despatch No. 65, dated 15th February 1872.*)

† See Rule 8 under Section 97, Civil Pension Code.

EXTENSION AND COMMUTATION OF LEAVE.

Provided that the grant, or extension of Furlough, under this Rule (otherwise than on medical certificate), is subject to Proviso (4) under Section 50.

[NOTE.—In the case of an officer who is entitled to furlough without medical certificate, but who, by reason of Proviso (4) under Section 50 of the Civil Leave Code, can get it only on medical certificate, it should be stated in column 13 of the Last-pay Certificate in Form C Appendix A, that furlough without medical certificate in continuation of his original leave cannot be granted to him, if by such grant the limit of the number of officers absent on Furlough or Special leave fixed by Rule 1 under Section 50 would be exceeded.]

Procedure in cases of application for extension or commutation.

1.* An officer absent on furlough or special leave out of India, who wishes to have his leave extended or commuted, must apply to the Secretary of State and produce with his application evidence that the Local Government had been referred to by him, and that the Local Government had no objection to the extension or commutation desired. This Rule will be strictly enforced, and officers returning to India, at times other than those fixed for them by their own Government, must understand that they are liable to be kept on subsistence allowance until a suitable vacancy occurs to which to post them. The Secretary of State, however, reserves to himself the power of granting extension or commutation of leave to an officer, in any case in which it appears to him that sufficient ground has been shewn for the application being made, without the previous approval of the Local Government; but in the event of it being found necessary by the Secretary of State to communicate with the Government of India or the Government of Madras or Bombay by telegraph in regard to any such application, the cost of the telegrams to and from India will be charged to the applicant.

Commutation of leave of a Military Officer subject to Military Rules by what authority admissible.

2. In the case of a Military Officer subject to Military Rules, leave may be retrospectively commuted by the Authority which granted it to any other kind of leave which the said Authority would have been competent to allow when the original leave was sanctioned.

Combination of Examination and Privilege Leave.

3.* Examination leave may be affixed or prefixed to Privilege leave, provided that a Privilege leave prefixed to the three months' Examination leave admissible under clause (*d*), Rule 1, Section 77, must be spent in, or in the journey to, one of the appropriate countries mentioned in that clause. Except as herein provided, no kind of leave, except Furlough on medical certificate, may be granted in continuation of Examination leave.

Privilege Leave if changed to Furlough out of India.

4.* When Privilege leave is, on medical certificate, retrospectively changed for Furlough out of India, so much of the leave passed before the departure of the vessel in which the officer sails may be treated as Subsidiary leave, under Section 64 (*a*) (1), as might have been granted as Subsidiary leave if the officer had

* Applies to a Military Officer subject to Military Rules.

Section 78.

Insert the following as "Note 1" *under this section, the Note already under the section being numbered* "Note 2":—

"[NOTE 1.—Formal joining at the end of privilege leave with the intention of taking other leave within a few days, is not permitted, as the other leave granted in such circumstances would practically be in continuation of the privilege leave. The principle on which this rule and the requirements of Rule 1 under section 74 should be enforced, has been indicated as follows":—

"No deliberate or intentional evasion of the rules should be permitted; but so long as this condition is satisfied, it is left to the discretion of the authority granting the leave to grant or refuse it, as may seem proper in each case. (*Letter to Government of Bombay, No. 2689, dated 26th August 1885.*)]"—(114) (Finance Department Order No. 3258 dated the 29th September 1885.)

(b)

Section 78.

Rule 1.

Insert the following after the word "State" *in the third line of this rule*:—

"About three months before the expiration of his leave."—(62) (Finance Department No. 1142, dated 6th March 1885).

(a)

Section 78, Rule 1.

Insert the following as a Note under this Rule:—

[*Note.*—This Rule applies to the placing of officers who are on leave out of India on special duty in extension of the leave.]—(21) (No. 1649, dated 13th June 1884.)

Section 78.

Rule 3.

(c) *Add the following after the word* "clause" *in the fifth line of this rule*:—

and that privilege leave may not be granted in continuation of the month's leave after examination admissible under section 77, clause (*b*)—(186) (Finance Department Order No. 2820, dated 26th May 1887.)

Section 79.

(b) *Add the following to this section :—*

But the Local Government may, with or without restrictions, empower any head of a Department to grant privilege leave in cases where no substitute is required and no extra expense involved.

Add the following after "Departme-
of the sentence added to this sec

Rule 2.

Section 79.

Rule 2. Commissioned

(a) *Insert the following* Note *under this rule :—*

NOTE.—An application for furlough without medical certificate from a ~~covenanted~~ medical officer subject to civil rules, serving in the Bengal Presidency or Burma, or directly under the Government of India, should be forwarded by the Local Government to the Surgeon General with the Government of India for countersignature and return to the Local Government.—(156) (Finance Department Order No. 2563, dated 17th August 1886.)

Section 79.

Substitute the word "Commissioned" *for* "Covenanted" *in line 2 of the* NOTE *under Rule 2, in line 2 of Rule 13, and in line 4 of Rule 14, under this section.*—(162) (Finance Department Order No. 3121, dated 14th September 1886.)

Section 79.

Rule 9.

Strike out this rule.—(228) Finance Department Order No. 560, dated the 31st January 1888.)

APPLICATIONS FOR LEAVE

originally obtained Furlough and not Privilege leave, notwithstanding that a portion of such retrospective Furlough has been passed in India.

APPLICATIONS FOR LEAVE.

79. Every application for leave is to be submitted to the Local Government. Application to be submitted to Local Government

1.* When a Gazetted officer applies for leave, he should quote the Section or Rule of this Code under which he considers himself entitled to the leave. Rule to be quoted.

2. After obtaining a report from the Accountant General upon the title of the applicant to the leave applied for, the Local Government may grant any leave admissible under the Code. Accountant General's report.

3.† An Accountant General may deal with applications for Privilege leave from the Enrolled officers of the Department serving under his immediate orders whose rank is not higher than Assistant, or from the officers of the department designated "Chief Superintendents" serving under his immediate orders, unless the absence of an applicant involves the appointment of an officer to act for him. Grants of leave and the date of each officer's departure on, and return from, leave should be reported to the Government of India. If leave be refused in any case, the reason for the refusal should be reported to the Government of India. Officers of Financial Department in certain cases and of certain ranks may obtain Privilege leave from Heads of their Offices.

4.† An application for leave from any officer in the Financial Department which requires the sanction of the Government of India, should be submitted to the Comptroller General, who will forward it to the Government with his opinion as to whether the leave should be granted, and suggest the departmental arrangements to be made if the leave is granted. Through Comptroller General

5.† Leave to an officer appointed by a High Court is granted by the Chief Justice, subject, in ~~every~~ case, to the report of the Accountant General, that the officer is entitled to the leave. High Court Officer.

6. The Inspector-General of Ordnance may grant Privilege leave under the ordinary rules to Mechanical Engineers and men of that class serving in the Ordnance Department, under covenants, although they may have been originally appointed by the Government of India.

7.* Leave may be granted with retrospective effect from the date on which it is admissible. Retrospective leave.

8. A Local Government granting leave to a Bengal, Madras, or Bombay Covenanted Civil Servant serving out of his own Presidency, should inform the Government of India, Madras, or Bombay, as the case may be. Grant in another Presidency

9. Each Local Government should, at the end of each calendar quarter, submit to the Government of India in the Home Depart- Quarterly return

* Applies to all officers.

† Applies to officers subject to the Rules in Chapter X.

ment, a statement of officers (Covenanted Civil Servants, Military Officers, and Uncovenanted Officers) who, if employed in Oudh, the Central Provinces, British Burma, Assam, Ajmir, Coorg, or Berar, are members of the Commission, or, if employed elsewhere, hold appointments corresponding to those of members of a Commission, and who are absent on Furlough or Special leave (including Subsidiary leave).

Local Medical Certificate

10. An application from an officer in India for leave, or extension, or commutation of leave, on medical certificate, must be accompanied by a certificate in the following form, or as nearly in this form as the circumstances allow :—

> *I, A. B.*, Surgeon at, or of , do hereby certify that *C. D.*, of the Service, is in a bad state of health, and I solemnly and sincerely declare that, according to the best of my judgment, a change of air is essentially necessary to his recovery, and do therefore recommend that he may be permitted to proceed to sea [*or to such place as the Surgeon may think proper, expressing it in the certificate.*]

Local Medical Certificate by Medical Board.

11. With the cognisance of the Head of his office, or, if he is himself the Head of his office, of the Head of his department, the applicant must (unless the state of his health absolutely prevent it, or, if he be an applicant for Furlough in India, unless the Government to which he is subordinate otherwise permit) present himself with two copies of the statement of his case at the seat of the Government under which he is serving, or at such other place as may be appointed by that Government, where a Committee of Medical Officers can be assembled under the orders of the Surgeon General or Deputy Surgeon General of the Province, and when practicable, presided over by him, and obtain a certificate as follows :—

> "We do hereby certify that, according to the best of our professional judgment, after careful personal examination of the case, we consider the health of C. D. to be such as to render leave of absence for a period of (*x*) months absolutely necessary for his recovery."

[NOTE.—Where, as in British Burma, there is a separate officer in charge of the Civil Administration, such officer, instead of the Deputy Surgeon General, should preside over the Medical Committee.]

Detention for medical observation.

12. Before deciding whether to grant or refuse the certificate to an applicant for a medical certificate under Rule 11, a Medical Board may, in a doubtful case, detain him under professional observation during a period not exceeding fourteen days.—(*See Rule 5 under Section 64.*)

Inability to appear before Board

13. If the state of the applicant's health be certified by a ~~Covenanted~~ Medical Officer, or by a Medical Officer in charge of a Civil Station, to be such as to make it highly inconvenient for him to repair to the seat of the Government under which he

Commissioned

Section 79.

Insert the following as Rule 12 (a) :—

12 (*a*). The time spent by an officer after leaving his station in obtaining a certificate under Rule 11 reckons as subsidiary leave, unless he is expressly permitted by the Local Government to retain charge of his duties, and to resume them before proceeding on leave.—(Finance Department No. 6208, dated 24th November 1887.)—(220.) (Finance Department No. 6244, dated 25th November 1887.)

Section 79.

Rule 19.

Insert the following note under this rule :—

[NOTE —This rule does not apply to officers serving at Port Blair and the Nicobars] —(77) (Finance Department No 1002, dated 22nd May 1885)

is serving, or to any other place, the Local Government may accept a certificate from any two Medical Officers, either Covenanted or in charge of Civil Stations, provided neither of them is the regular medical attendant of the applicant. The certifying Officers need not belong to the same Province as the applicant.

Exemption by Local Government.

14. If an applicant for Furlough in India is exempted by a Local Government from appearing at the seat of the Government, or at any other place, he should produce a certificate signed by at least two Medical Officers, either ~~Covenanted~~ or in charge of Civil Stations, provided neither of them is his regular medical attendant.

Leave from Government indispensable

15. The grant in Rule 11 of the option of undergoing medical examination at the seat of the Government under which he is serving, or at any other place, does not confer on the applicant a right to leave without the sanction of the Government to which he is subordinate.

Medical report to go with officer, and duplicate to be sent home.

16. If the officer is going on leave out of India, he should take with him one copy of the medical report upon his case.

17.* A duplicate of the medical report upon the case of an officer going to Europe on medical certificate should be forwarded through the Government under which the officer is employed, for the information of the Medical Board attached to the India Office, so as to arrive as soon as the officer arrives in England.

Extension on medical certificate

18. If an applicant for an *Extension or Commutation of Leave* on medical certificate be residing out of India, and within sixty miles from London, he must produce a certificate from the Medical Board attached to the India Office, showing the necessity for the extension or commutation. If he be residing more than sixty miles from London, certificates in the form given in Rule 11 must be produced from two medical practitioners; and he may be called upon to produce other evidence.

No premature application

19.* An application for Privilege leave should not be made more than six weeks before the leave is wanted.

Limit of grant of leave.

20. Unless specially otherwise ordered, Leave must begin within thirty-five days of the date on which it is granted.

Military Officer subject to Military Rules.

21.† An application by a Military Officer subject to Military Rules for Furlough *out of India*‡ must be submitted in the manner prescribed in the Order of the Governor General in Council in the

* Applies to all officers.

† This Rule does not apply to Medical Officers, whose applications must be forwarded—

(*a*) if for furlough on medical certificate—through the Local Government, to the Military Department.

(*b*) if for furlough without medical certificate—through the Local Government, who should forward them to the Surgeon General with the Government of India, the Government of Madras, or the Government of Bombay, as the case may be, for disposal

‡ As to furlough in India, see the note prefixed to Section 47.

APPLICATIONS FOR LEAVE.

Military Department, No. 34, dated 11th January 1869, to the Local Government. A Local Government receiving such an application from an Officer of the Bengal Army will, if it thinks that the application should be granted, submit it to the Government of India in the Military Department at Calcutta.

Officer of a Minor Presidency serving in his own Presidency.

22. The Government of Madras or Bombay receiving such an application from an Officer belonging to its own Army will, after considering in the Civil Department whether the application should be granted, dispose of it in the Military Department.

Serving elsewhere.

23. Any other Local Government receiving such an application by an Officer of the Madras or Bombay Army shall, if it consider that the application should be granted, forward it to the Government of Madras or Bombay, as the case may be, in the Military Department.

Departmental Report

24. When a Military Officer subject to Military Rules applies for leave of absence on medical certificate, or proceeds to a seaport for the purpose of appearing before a Medical Board, he should communicate his intention to his immediate departmental Superior when he sends in his application, or before he leaves his station, as the case may be. A copy of the order granting leave on medical certificate should be forwarded to such departmental Superior by the Government which grants the leave.

No-Demand certificate.

25. No-Demand certificates are not required from officers going on leave.

~~26. A Military Officer going on leave from the Public Works Department is required to produce a No-Demand certificate from the Examiner of Public Works Accounts.~~

Priority of claim.

80. If, under the operation of Proviso (4), Section 50, the applications for Furlough (including those under Section 78) cannot all be complied with, Furlough will be granted in the following order:—

First.—To the applicant to whom most Furlough is due:

Secondly.—Of two or more applicants to whom the same amount is due;—to him who has rendered longest Continuous Active Service.

Thirdly.—Of two or more such applicants who have rendered the same Continuous Active Service;—to the Senior.

[NOTE.—This Section refers to applications registered for a Furlough not yet vacant. The order of date in which such applications are made has no significance. The Section cannot affect applications made for a Furlough already vacant unless they happen to arrive by the same post.]

Section 79.

Rule 26.

Strike out this rule.—(69) Finance Department No. 179, dated 10th April 1885).

CHAPTER VI.

NATIVE CIVIL SERVANTS.

81. During leave on medical certificate in excess of 15 months at one time, or of 30 months in all, and during Subsidiary leave following such excess leave, a Native Civil Servant is entitled to a quarter of his Average Salary. During any other leave, excepting Privilege leave, Examination leave, or Extraordinary leave, he is entitled to half his Average Salary: Leave allowance.

Provided that his leave allowance shall not exceed his actual salary when he was last before on duty.

82. Leave on medical certificate may be granted for three years in all, but not for more than two years at one time. Amount of Leave on medical certificate.

83. A Native Civil Servant may take either leave on private affairs or Furlough, as follows, but not both these kinds of leave:— Leave on Private Affairs and Furlough.

(*a*) Leave on private affairs may be taken, first, after not less than six years' service, and thereafter, at intervals of not less than six years. The duration of leave on private affairs must not exceed six months at one time.

(*b*) Furlough, not exceeding two years in all, may be taken, first, after not less than ten years' service, and, thereafter, at intervals of not less than eight years. The duration of Furlough must not exceed one year at one time, unless it be taken, for the first time, after not less than eighteen years' service, when it may extend to two years.

84. Subsidiary leave, Privilege leave, and Examination leave may be granted to a Native Civil Servant under Sections 64—70, 71—76 and 77 respectively. Subsidiary leave, Privilege leave and Examination leave under what Rule admissible

85. The Local Government may grant Extraordinary leave without allowances at its discretion. Subject to the provisions of Section 88, there is no limit to the length or frequency of leave under this Section, and it may be granted in continuation of any leave with allowances excepting Privilege leave. Extraordinary leave.

86. Leave taken by a Native Civil Servant before his appointment to an office in the Covenanted Civil Service, shall, for the purpose of calculating the leave admissible to him under this Chapter, be treated as leave taken under this Chapter. Effect on leave allowance of leave taken before appointment as a Native Civil Servant.

Continuation and commutation of leave.

87. Leave on private affairs or Furlough may not be granted in continuation of any leave except Subsidiary leave; but any leave granted under these Rules may be retrospectively changed for any other kind or amount of leave which might at first have been granted. If a Native Civil Servant absent on Privilege leave, leave on private affairs, or Furlough, takes extension of leave on medical certificate, the whole of his absence must be treated as leave on medical certificate.

1. Extraordinary leave cannot be changed retrospectively into leave on medical certificate; but leave on medical certificate may be given in continuation of Extraordinary leave.

Leave, except privilege leave, not admissible to a Superannuated Officer.

88. A Native Civil Servant who has reached the age of fifty-five years is not eligible for any leave excepting Privilege leave. Leave, other than Privilege leave, granted to a Native Civil Servant before his fifty-fifth birthday, cannot extend beyond that date.

Lien on appointment and service.

89. If a Native Civil Servant is absent without leave, or remains absent after the end of leave (excepting Privilege leave, in which case a week's grace is allowed), he vacates his appointment; and after five years' continuous absence from duty, whether with or without leave, a Native Civil Servant ceases to belong to the Public Service.

1. A Native Civil Servant who takes leave other than Privilege leave or Examination leave, has no claim to return to the particular appointment from which he took leave.

90. The procedure upon Application for leave is that prescribed in Sections 79 and 80.

CHAPTER VII.

LAW OFFICERS.

RULES REGARDING LEAVE AND ACTING ALLOWANCE.

Definition.

[NOTE.—In these Rules, the term "Law Officer" includes

An Advocate General.
A Standing Counsel.
An Administrator General.
An Official Trustee.
An Official Assignee.
A Receiver of a High Court.
An Officer of a High Court who holds an appointment which by law can be held only by a Barrister.
Secretary in the Legislative Department to a Local Government.
A Remembrancer or Assistant Remembrancer of Legal Affairs.
A Government Advocate.
A Clerk of the Crown.
A Government Solicitor.
A Government Pleader, and
A Government Prosecutor.]

(a)/A

Chapter VII.

Add the following after "a Government Advocate" *in the Note at the beginning of this Chapter :—*

"The Assistant to the Government Advocate in British Burma."
—(101) (Finance Department No. 2720, dated the 27th August 1885.)

The Junior Govt. Advocate in the Punjab.

91. The leave of absence and acting allowances of a Law Officer who is a Covenanted Civil Servant are regulated by Chapter V and by the Pay and Acting Allowance Code. Belonging to the Covenanted Civil Service.

92. The leave of absence and acting allowances of a Law Officer who is not a Covenanted Civil Servant, or a Government Pleader, or a Government Prosecutor, but whose pay is fixed, and his whole time retained for the service of Government, are regulated by the Rules in Chapter V and by the Pay and Acting Allowance Code, as if he were a Covenanted Civil Servant. Other than a Covenanted Civil Servant.

93. A Government Pleader or Government Prosecutor is entitled to such leave of absence and allowances when on leave, and to such acting allowances as the Authority who appoints him may think fit to grant, provided that no expense be caused to the Government. Government Pleader or Government Prosecutor.

94. The leave of absence and acting allowances of a Law Officer who is not a Covenanted Civil Servant, or a Government Pleader, or a Government Prosecutor, whose pay is fixed, but whose whole time is not retained for the Public Service, are regulated by the following Rules:— Not belonging to the Covenanted Civil Service, &c.

I.—"Active Service" includes, besides time spent on duty, leave of absence taken under Rule III, and Subsidiary leave of absence taken under Rule VIII. Active Service.

II.—An application for leave of absence must be submitted through the officer who passes his pay to the Authority to whom the officer is directly subordinate. Application.

III.—Leave of absence during the vacation of the High or Chief Court within whose jurisdiction the officer serves may be granted without deduction of pay, provided that no expense be caused by the grant of such leave. Leave during vacation.

IV.—Leave may be granted on medical certificate for a period not exceeding one year; and leave so granted may, on medical certificate, be extended to twenty months. Leave on medical certificate.

V.—Leave of absence on medical certificate may not be granted again until after three years' Active Service. When again admissible.

VI.—Leave of absence on Private Affairs for a period not exceeding six months may be granted once On private affairs.

only to an officer who has rendered six years' Active Service.

Furlough. VII.—After four years' Active Service, Furlough without pay, but with retention of appointment, may be granted for a period not exceeding one year.

Subsidiary leave. VIII.—In very urgent cases, Subsidiary leave of absence may be granted under Sections 64 and 65: Provided that no expense be caused by the grant of such leave.

Continuation and Commutation. IX.—Excepting Subsidiary leave, no kind of leave may be granted in continuation of any other kind of leave; but any leave granted under these Rules may be, retrospectively, changed for any other kind or amount of leave which might at first have been granted.

Beginning X.—If an officer who has obtained leave of absence makes over charge of his office before noon, his leave begins on, and includes, the day on which he makes over charge; otherwise, it begins on, and includes, the following day.

and ending of leave. XI.—If an officer resumes charge of his office after noon, his leave of absence ends on, and includes, the day on which he resumes charge; otherwise, it ends on, and includes, the day before he resumes charge.

Allowance. XII.—An officer, while on leave under Rule IV, V, or VI, is entitled to half-pay: Provided that his maximum leave allowance shall be, if paid in India, Rs. 833⅓ a month, and if paid at the Home Treasury of the Government of India, £250 a quarter.

Acting Officer. XIII.—An officer officiating for an officer on leave under these Rules is entitled to the pay of the appointment, less the fraction of it drawn by the absentee, in addition to the same fraction of the pay of his own substantive office, if any. In calculating this fraction the maximum leave allowance of £250 a quarter, payable from the Home Treasury of the Government of India, is held to be equal to Rs. 2,500.

ILLUSTRATIONS.

A, the Remembrancer of Legal Affairs in Bombay (pay Rs. 1,000 a month), officiates for B, the Advocate General (pay Rs. 2,000 a month), who is on leave with an absentee allowance of £1,000 a year = Rs. 833⅓ a month, or $\frac{5}{12}$ths of the pay of

the Advocate General. A is entitled to $\frac{7}{12}$ths of the pay of the Advocate General = Rs. 1,166⅔, and $\frac{5}{12}$ths of that of Legal Remembrancer = Rs. 416⅔, *i.e.*, to a total of Rs 1,583⅓ a month.

Provisos:

(1) The minimum salary of a Standing Counsel at Calcutta is Rs. 1,000 a month:

(2) The minimum salary of a Government Advocate at Lahore, Allahabad, Rangoon, or Moulmein, is three-quarters of the pay of the appointment.

Acting for an officer deputed on duty.

XIV. An officer officiating for an officer deputed to act in another appointment or on special duty is entitled to two-thirds of the pay of the appointment in which he officiates, *plus* one-third of the pay of his own substantive appointment, if any.

Plurality of appointments.

XV. If an officer holds more than one appointment, his salary is regulated by Chapter VIII of the Pay and Acting Allowance Code.

Officer paid by fees.

95. Leave of absence may be granted under the Rules in Section 94 to a Law Officer who is paid by Fees, whether his whole time be retained for the service of Government or not, on condition that he make such arrangements for the performance of his duties as are satisfactory to the Authority by which he is appointed, and on condition that, in case of his obtaining leave of absence on private affairs under Rule VI, the officiating officer shall receive the whole of the Fees attached to the office.

Option

96. The following officers remain, by their own desire, subject to the Rules opposite to their several names:—

Names.		Rules to which they are subject.
Clarke, F.	Receiver, High Court, Calcutta.	Covenanted Civil Service Absentee Rules of 8th June 1855.
Fergusson, F. J.	Official Trustee, Calcutta	Chapter X.
Miller, A. B.	Official Assignee, Calcutta	

Such of these officers as are paid by fees are not entitled to leave of absence at the Public expense; and Section 95 to the word "appointed," applies to them, except that the periods of their leave are regulated by the Rules to which they are severally subject.

CHAPTER VIII.

BISHOPS.

[NOTE.—These Rules do not apply to the Bishops of Rangoon and Lahore, who, in official status, are Senior Chaplains, and, as such, are subject to the Rules in Chapter IX.]

Furlough or leave on medical certificate.

97. A Bishop may be allowed leave of absence either on medical certificate or on Furlough.

Amount admissible on Medical Certificate.

98. The amount of leave of absence on medical certificate admissible to a Bishop is limited to two years.

99. Subject to the limitation in Section 98, leave of absence may be granted to a Bishop upon medical certificate for a period not exceeding one year. Leave so granted may be extended upon medical certificate to any period not exceeding eighteen calendar months.

Amount of Furlough.

100. The amount of Furlough admissible to a Bishop at one time is limited to six calendar months.

Amount of Furlough earned.

101. The amount of Furlough earned by a Bishop is one-eleventh of the time during which he has been on duty without interruption: Provided that no additional Furlough can be earned by duty done while six months' Furlough is due, ~~and that when duty is interrupted, all Furlough earned therefor is cancelled. Absence on Furlough, though not counting as duty, is not an interruption of duty within the meaning of this Rule.~~

Furlough not an interruption of duty.

Furlough due.

102. The Furlough due to a Bishop is the Furlough which he has earned, less the period during which he has been absent on Furlough.

Condition of grant of Furlough.

103. To a Bishop who has been on duty without interruption for thirty-three calendar months and who has not, for twelve calendar months, been absent on Furlough, the whole or any part of the Furlough due to him may be granted.

Charge of Diocese.

(a) **104.** An Archdeacon or a Chaplain appointed to hold charge of a Diocese during the absence of the Bishop upon Furlough, or ~~upon leave on medical certificate~~, is entitled to an allowance of Rs. 500 a month in addition to the pay of his substantive office.*

Allowance on Furlough.

105. A Bishop while absent upon Furlough or upon leave on medical certificate is entitled to full pay, less Rs. 500 a month, but not to any other allowances.

* See first footnote on page 185.

Section 104.

Strike out the words in the third and fourth lines from "upon" *to* "certificate."—(48) (No. 2464, dated the 31st December 1884.)

Chapter VIII.

Strike out the words in the last four lines of Section 101, beginning with "and" *in the fifth line, and insert the following as Section 103A:—*

"Furlough and leave on medical certificate cannot be taken in continuation of each other; but furlough granted under these rules may be retrospectively changed into leave on medical certificate."—(48) (No. 2464, dated the 31st December 1884.)

Section 108.

Strike out this Section and its foot-note.—(48) (No 246 dated the 31st December 1884.)

GENERAL.

Charge of Diocese.

106. An Archdeacon or a Chaplain appointed to hold charge of a Diocese during the absence of the Bishop upon leave on medical certificate is entitled to the travelling and other similar allowances admissible to the Bishop.*

Allowances to the Bishop of Madras or Bombay when acting for the Bishop of Calcutta.

107. The allowances of the Bishop of Madras or Bombay when performing the functions of the Bishop of Calcutta during his absence on leave, are regulated by 5 & 6 Vic., cap. 119. In such case the Bishop of Madras or Bombay is entitled to an allowance at the rate of Rs. 833⅓ a month in addition to his salary as Bishop of Madras or Bombay, and the Bishop of Calcutta will receive during such absence the salary of his office, less Rs. 833⅓ a month.

108. A Bishop of Madras or Bombay exercising the Episcopal Jurisdiction and Functions appertaining to the See of Calcutta during a vacancy of the See by the demise of the Bishop thereof for the time being, or otherwise, is entitled to the full pay fixed for the office, *viz.*, Rs. 3,831-6-8.¶

Metropolitan.

109. Leave under these Rules may be granted to the Metropolitan by the Governor General in Council, and to the Bishops of Madras and Bombay by the Governments of those Presidencies, on the recommendation of the Metropolitan.

CHAPTER IX.

CHAPLAINS.

GENERAL.

Leave, except Privilege leave, not admissible to a Superannuated officer.

110. No Leave, other than Privilege leave under Section 122, may be granted to a Chaplain who has

* Formal appointment of the Archdeacon by the Government to hold charge of a Diocese is not necessary to enable the Accountant General to pass the extra allowance of Rs. 500, and the travelling and other allowances admissible to the Bishop. It is sufficient for the Accountant General if he has received notice officially that the Government has directed the Archdeacon to undertake the Bishop's jurisdiction or take charge of the Diocese.

¶ By Act 53, Geo. 3, Cap. 155, Section 49, the pay of the Bishop of Calcutta is fixed at £5,000, to be paid at an exchange of two shillings for the Bengal current rupee. One hundred Bengal current rupees = $\frac{100}{118}$ sicca rupees = sicca rupees 86·2068 = rupees 91 9540. Thus, the pay of the Bishop of Calcutta is rupees 3,831-6-8 a month. (*Resolution by the Government of India, Financial Department, No 490, dated 31st May 1876, paragraph 3.*)

completed twenty-five years' service (*see Section 41, Civil Pension Code*). Leave other than Privilege leave granted to a Chaplain before his completion of twenty-five years' service ceases to have effect on such completion.

FURLOUGH.

Aggregate admissible

111. The amount of Furlough admissible to a Chaplain is limited to six years. All the Rules in this Chapter are subject to this limitation.

Furlough and leave with allowances on medical certificate under former Rules are counted as Furlough under this Rule.

Furlough earned

112. The amount of Furlough "earned" by a Chaplain is one-fourth of his Active Service, and three months in addition thereto.

and due

113. The amount of Furlough "due" to a Chaplain is the amount which he has earned, diminished by

(1) the amount of Furlough which he has enjoyed under these or any former Rules;

(2) the excess over one year in the amount of leave with allowances on medical certificate which he has enjoyed under former Rules.

Furlough admissible

114. (*a*) To a Chaplain who has rendered three years' Continuous Service, Furlough for not more than two years may be granted as follows:—

First, on medical certificate, unconditionally:

1. Section 79, Rules 10 to 18, apply generally to Chaplains also.

Secondly, without medical certificate,—subject to these provisos—

(1) that the Furlough be due to him;

(2) that he have rendered seven years' Active Service;

(3) that the whole number of Chaplains absent on Furlough and Special leave do not exceed the limit appointed by the Government of India.

1. Except on medical certificate or on very urgent private affairs, Furlough or Special leave may not be granted to a Church of England Chaplain if twenty per cent. of the whole number of Chaplains belonging to his Diocese are already absent on Furlough or Special leave. The Bishop of Calcutta, Lahore, or

Rangoon, as the case may be, will report to the Government of India when the limit is reached.

(*b*) Furlough taken under this Section may, on medical certificate, be extended to not more than three years. Extension on medical certificate.

(*c*) The Furlough of a Chaplain is strictly limited to a period of three years at one time, and cannot be extended even without allowances. But the Secretary of State for India reserves to himself the power of allowing a Chaplain to remain in Europe beyond three years, should special and exceptional circumstances require it. Limited to three years.

115. (*a*) To a Chaplain who has not rendered three years' Continuous Service, Furlough for not more than one year may be granted on medical certificate. Medical certificate.

(*b*) Furlough granted under this Section for less than one year may, on medical certificate, be extended to not more than one year.

116. A Chaplain on Furlough is entitled to allowances as follows:— Allowances.

	On Ordinary Furlough. £	On Other Furlough. £
Archdeacon, and the Senior Chaplain of the Church of Scotland	600 a year.	480 a year.
Senior Chaplain	500 „	384 „
Junior Chaplain	350 „	300 „

Explanation.—Ordinary Furlough includes

(1) the first two years of each separate period of Furlough under Section 114;

(2) so much of Furlough under Section 115 as may be due, provided that the Chaplain have rendered six months' Continuous Active Service.

1. A Chaplain on Furlough does not forfeit his past leave allowance by resigning the service without returning to India.

117. The beginning and ending of a Chaplain's Furlough and Special leave are regulated by the Rules in Chapter V. Beginning and ending of Furlough or Special leave

SPECIAL LEAVE.

118. Special leave on urgent private affairs may be granted, at any time, for not more than six months: Amount admissible.

Provided that a Chaplain, who has had Special leave, must render six years' Active Service before he can again have such leave.

Privilege Leave Allowances.

119. (*a*) For the first period of a Chaplain's Special leave he is entitled to the leave allowance admissible during Ordinary Furlough.

(*b*) In subsequent periods he is entitled to no leave allowance.

SUBSIDIARY LEAVE OF ABSENCE.

Subsidiary leave.

120. A Chaplain is entitled to Subsidiary leave under the Rules in Chapter V.

Allowances.

121. A Chaplain on Subsidiary leave is entitled to the same allowances as during the leave to which it is subsidiary.

1. A Chaplain may draw allowances as if he were on Privilege leave, for any part of his Subsidiary leave, preparatory to retiring from the service or going on Furlough or Special leave, for which, if he were not retiring from the service or going on Furlough or on Special leave, Privilege leave would be admissible to him.

PRIVILEGE LEAVE.

Amount admissible

122. Privilege leave may be granted as follows:—

After five months' uninterrupted duty,—for not more than one month.

After ten months' uninterrupted duty,—for not more than two months.

After fifteen months' uninterrupted duty,—for not more than three months.

1. In applying for Privilege leave, a Chaplain must record a declaration that he has no intention of retiring or of taking Furlough, Special leave, Subsidiary leave, or leave on medical certificate for three months after his return to duty. Though not absolutely debarred by this declaration from applying to retire or to take such leave within three months, he should, if he does so, explain his change of mind.

2. A Chaplain may not take Privilege leave in instalments.

Allowances.

123. A Chaplain on Privilege leave is entitled to the same Pay and House-rent as if he were on duty.

1. An Archdeacon, a Senior Chaplain of the Church of Scotland, or a Chaplain, on Privilege leave, may draw any Local Allowance attached to his office, such as his Special Allowance (*see Section 57* (*d*), *Pay and Acting Allowance Code*), Conveyance Allowance, or Jail Allowance, provided that it is not drawn by his *locum tenens*.

2. An officiating Archdeacon or Senior Chaplain of the Church of Scotland may not during Privilege leave draw his Special Allowance,

3. The Chaplain's substitute may draw the House-rent, although it is also drawn by the absentee.

MISCELLANEOUS.

124. The Rules for—

(1) Extension and Commutation of leave, and

(2) Payment of leave allowances,

are those contained in Section 78 and Chapter XIV, respectively; but to a Chaplain going on Furlough to England, an advance of the first quarter's allowances may be made, which advance is not recoverable in the event of his death.

Extension, &c.

125. Applications for leave from Chaplains of the Church of England on the Bengal Ecclesiastical Establishment, and from such Chaplains on other establishments serving in the Bengal Presidency, are to be dealt with under the following Rules, and priority of claim is determined in accordance with Section 80 :—

Procedure upon application.

I.—Subject to the exigencies of the Public Service, Local Governments in the Bengal Presidency are empowered, with the concurrence of the Bishop of the Diocese, to grant any Furlough or Special leave authorised by the Rules to Chaplains serving within their respective jurisdictions.

II.—If a Chaplain applying for Furlough or Special leave belong to the Madras or Bombay Ecclesiastical Establishment, the Local Government under which he is serving will, if the Furlough or leave be granted, inform the Government of Madras or Bombay, as the case may be.

III.—The Bishop of the Diocese is empowered to grant Privilege leave to Chaplains under Section 122, subject to the Public exigencies, of which the Bishop shall be the judge. But the grant, cancelment, or extension of such leave should be reported to the Local Government concerned.

IV.—All applications for leave or Furlough should be accompanied by a certificate from the local Accountant General, shewing that the applicant is entitled to the leave asked for, and should, as a general rule, be forwarded, in the first instance, through the proper channel, to the Bishop of the Diocese, who will transmit applications for Furlough or Special leave, with His Lordship's remarks, to the Local Government concerned, and will himself dispose of applications for Privilege leave. But in cases of urgency, Leave on medical certificate may be granted by the Local Government in anticipation of the concurrence of the Bishop, who should, however, be informed without delay.

V.—Except under orders of the Secretary of State, the term of Furlough or Special leave cannot be altered without the permission of the Government by which it may have been granted.

VI.—Every Chaplain who obtains leave or Furlough shall supply himself with a Last-pay certificate, and with a statement showing the allowances which he is entitled to draw while absent. It shall be the duty of the local Accountant General to furnish these documents, and no leave allowances will be payable without their production.

VII.—A quarterly statement of Chaplains absent on Furlough or Special leave, with the dates of the grant and expiry of such Furlough or leave brought up to the 31st March, 30th June, 30th September, and 31st December of each year, shall be punctually furnished by Local Governments to the Government of India in the Home Department.

VIII.—From these quarterly returns a register will be compiled and kept at the Office of the Secretary to the Government of India in the Home Department, of all grants to Chaplains of leave or Furlough, of all extensions of leave or Furlough, and of returns to duty from absence.

IX.—A Chaplain shall report his return to duty to the Bishop, and to the Local Government by which his leave or Furlough may have been granted.

X.—If any Local Government shall see fit to refuse a Furlough to any Chaplain on the ground of the exigencies of the Public Service, it shall report such refusal for the confirmation of the Government of India.

The following Rules regulate the granting of leave to Chaplains of the Church of Scotland, and the Department from which their pay should be drawn:—

I.—It is only on rare occasions that a Chaplain is specially attached to a particular Regiment, although, usually, he is moved with the Regiment, and is appointed Chaplain of the Station where the Regiment is quartered. When so appointed, he draws pay from the Civil Department. On the other hand, when attached to a Regiment, his pay becomes a charge upon the Military Department, and should be drawn thence.

II.—Leave of absence, however, whether the Chaplain is attached to a Regiment or not, should be granted by the Local Government, and notified in the local Gazette. When the Chaplain is attached to a Regiment, the application for leave will be forwarded through the Commanding Officer. In the case of the Senior Chaplain in Bengal, the leave should be granted by the Local Government and by the Government of India concurrently, and be notified in the local Gazette and in the *Gazette of India.*

III.—A record of each Chaplain's services shall be kept in the office of the Comptroller General for Chaplains in the Bengal Presidency, and in the Office of the local Accountants General for those in Bombay and Madras. When a Chaplain is

Section 125.

Rule VI.

Insert the following as a Note under this rule :—

[NOTE.—If a Chaplain's term of 25 years' service expires during his leave, or during the period to which it is stated that it may be extended, the fact should be noted on the last-pay certificate. (See Section 110).]—(185) Finance Department Order No. 2804, dated 20th May 1887.)

EXTENT OF APPLICATION.

attached specially to a Regiment, and when he is relieved from that charge, the Account Officer concerned should be informed by the Military Department.

CHAPTER X.

UNCOVENANTED OFFICERS GENERALLY.

[Except where they are explanatory of points in which the provisions of Chapter V differ from those in this Chapter, the Rules in Chapter V which are not expressly restricted to Covenanted Civil Servants, Military Officers, or Uncovenanted Officers subject to the Rules in that Chapter, apply to officers subject to the Rules in this Chapter.]

EXTENT OF APPLICATION.

Rules to whom applicable.

126. The following Rules apply to officers who have substantive appointments* on permanent establishments under the Government, and who are not entitled to Leave under the Rules in Chapters III, IV, V, VI, VII, VIII, and IX. (*See Exception* (5) *under Section 127, Rule 1 under Section 128, and Rule 2 under Section 138.*)

[NOTES (1).—A Section-writer, or a Press servant who is paid for piece work, is, for the purposes of the Rules in this Chapter, held to be an officer without a substantive appointment. If leave is granted to such an officer, he is not entitled to any allowance whatever during his absence.

(2).—Members, superior and subordinate, of the State Railway Revenue Establishment, whose service is classed under clauses (*a*) and (*b*) in Rule 5 under Section 74 of the Civil Pension Code, are entitled to leave under the Rules in this Chapter.]

127. These Rules apply fully only to those whose pay is not less than Rs. 100. But leave may be granted under them to an officer, whether he be in Superior or Inferior Service,† whose pay is less than Rs. 100, so far as it can be done without imposing any cost upon the State (*see Pay and Acting Allowance Code, Section 38*). The absentee allowance of the substantive incumbent must not exceed what remains from the pay of the

* But see Rule 2 under Section 7.

† The Governor General in Council considers that Section 127 of the Civil Leave Code authorises the grant of leave upon the condition therein stated, not only to a Superior Officer whose pay is less than a hundred rupees a month, but to an officer whose service is treated as Inferior under Section 93 of the Civil Pension Code, upon the condition that the grant of the leave shall not impose any cost upon the State. —(*Financial Resolution, No. 2021, dated 26th April 1876.*)

appointment after provision is made for the efficient discharge of his duties during his absence. No leave in excess of the leave admissible under these Rules may be granted to such an officer, with allowances, or counting as service for pension.

Exceptions.—(1.) A Postman, Mail Carrier or Mail Coachman or a Peon or a Guard in permanent employ, whose case is not provided for in *Exception* (2), while sick in hospital or dispensary, or receiving medical aid as an out-door patient of the hospital or dispensary of the Station at which he serves, may, without reference to the allowance paid to his substitute, be allowed half-pay for a period not exceeding six months altogether, in any one term of three years, whether such leave be taken in one period or by instalments. The Director General of the Post Office may grant full pay for three months to a Postman, Mail Carrier or Mail Coachman under exceptional circumstances, as, for example, if he is wounded by robbers or a wild animal.

(2.) A Police officer enrolled under any Act of the Legislature not being a member of the Port Blair Police Force, or a Police officer belonging to the Trans-Indus police force whose pay does not exceed Rs. 20, or an officer of the Northern India Salt-revenue Department whose pay does not exceed Rs. 20, may, while sick in hospital or while receiving medical aid as an out-door patient at the Station or Head-quarters of the District in which he serves, be allowed, at the discretion of the Authority granting the leave, and in addition to any other leave admissible to him under the Rules in this Chapter, leave of absence from duty for six months altogether in any period of three years, whether such leave be taken in one period or by instalments. For the first three months of such leave, the officer may receive full pay, and for the remaining three months half pay, without the restriction contained in this Section, *viz.*, that no extra cost shall be imposed upon the State: Provided always that this concession shall be confined strictly to cases in which illness shall be certified not to have been caused by irregular or intemperate habits.

[NOTE.—A Police Officer who, under Section 148 (*b*1) of the Civil Pension Code, has elected to abide by Scale A in *Section 147* of the said Code, cannot be admitted to the benefit of this Exception, unless with the special permission of the Local Government.

(3.) Superintendents of the following lighthouses in the Madras Presidency are exempted from loss of absentee allowance under this Section, provided they are not regularly relieved and permitted to spend a portion of their time away from the lighthouse on full pay :—

Armeghon.	Point Divi.
Santopilli.	Pulicat.
Hope Island.	Muttim.

85.

CIVIL LEAVE CODE.

Page 192.

Section 127, Exception 1.

Insert the following as Exception 1 (a):

"Half pay for a period not exceeding six months altogether, in any one term of three years, whether the leave be taken in one period or by instalments, may also be granted to the following hospital servants of the Presidency town of Madras during their absence on account of illness, without reference to the allowance paid to their substitutes, on production of a certificate declaring that the person concerned is an in-patient, and under treatment for a disease not the result of imprudence .—

Ward Attendants.
Cooks.
Cook's Mate.
Cook's Assistant Mate.
Toties
Bearers"

(85) (Finance Department No. 1517, dated the 20th June 1885)

(4.) A seaman disabled while in the discharge of duty may be allowed pay at harbour rates for a period not exceeding three months, provided that the injuries from which he is disabled are certified to by a Government Medical Officer, and are not owing to the seaman's own carelessness or inexperience, and that the vacancy caused by his absence is not filled up.

(5.) An Engineer of the Marine Department, or an artificer attached to an Ordnance or Government Dockyard Establishment, or a syce in charge of a Government Stallion, or a Public servant in a Commissariat establishment, may, during absence from work on account of injuries received in the course of his duty, be allowed full pay for one month, and thereafter half pay for three months. The word "artificer" in this Exception includes a temporary or extra artificer.

(6.) A Dockyard artificer on the permanent establishment may, in case of ordinary sickness, be allowed full pay for a week, if his work can be carried on without a substitute and without inconvenience; but no pay can be allowed to him, (i) if it be necessary to appoint a substitute; or (ii) if his absence be prolonged beyond a week, whether it be necessary to appoint a substitute or not: Provided that an artificer in the Bombay Dockyard who was in (permanent) employ on the 1st August 1879 may, on the submission of a medical certificate, be allowed half pay for fourteen days (without reference to the allowance paid to his substitute, if any is employed), on the understanding that, at the time of falling sick, he has been continuously employed in the Dockyard for not less than twelve months.

(7.) Leave on medical certificate, with half pay to the extent of 60 days in any calendar year, may, in addition to any leave admissible under the Rules in this Chapter, be granted, at the discretion of the Manager, to drivers and other subordinate employés of the State Railway Revenue Establishment, whose service is classed under clauses (*a*) and (*b*) in Rule 5 under Section 74 of the Civil Pension Code, and ~~who are employed exclusively on out-door work,~~ provided the illness has not been caused by the man's misconduct. The leave thus granted is included in the leave to which the limit of three years prescribed in Section 128 applies.

(8.) Members, subordinate, of the State Railway Revenue Establishment, whose service is classed under clause (*d*) in Rule 5 under Section 74 of the Civil Pension Code, may ~~at the discretion of the Manager~~, be allowed privilege leave on full pay ~~to the~~ extent of one month ~~in twelve~~, and also leave on medical certificate on half pay to the extent of 60 ~~days in one calendar~~ year, provided the illness has not been caused ~~by~~ misconduct. ~~In the case~~ of deserving men, the ~~Manager~~ may extend the leave on medical ~~certificate~~ admissible under this Rule to a maximum of six months in ~~one~~ calendar year.

1. An officer holding an appointment on a Progressive pay, rising to a maximum of one hundred rupees, who is in the receipt Officer on Progressive pay

Exception (8).

(c) *Cancel from* "at the discretion" *in line 3 to* "calendar r" *in line 10, and substitute the following :—*

discretion of the

EXTENT OF APPLICATION

of the maximum pay, is not, by reason of the value of the appointment calculated under Section 43 (*a*) of the Pay and Acting Allowance Code being less than one hundred rupees, to be treated as an officer whose pay is less than one hundred rupees.

Travelling allowance and transit pay to an officer deputed from a distance

2. If it becomes necessary to bring an officer from a distance to act for an officer on leave whose pay is less than one hundred rupees, the Travelling allowances and Transit pay admissible to the substitute may be borne by the State; but such a transfer should never be made if it can be avoided.

Military men.

3. Saving as provided in the Exceptions to Rule 8 under this Section and in Rules 8 and 9 under Section 138, these Rules do not apply to Military Officers or Soldiers, or to the Military branch of the Subordinate Medical Service.

Police Officer.

4. A Police Officer who, under Section 148 (*b*1) of the Civil Pension Code, has elected to abide by Scale A in Section 147 of the said Code, is subject to the Leave Rules which applied to him before the abolition of the Police Superannuation Fund.

Probationer.

5. An officer appointed as Probationer for a certain period before formal appointment, is entitled to the same leave as if he held a substantive appointment.

[NOTES (1.)—An officer of the Indian Marine, who has not completed his term of probation for the Marine, cannot be granted leave, with retention of his probationary appointment, in excess of three months.

~~(2.)—Apprentice Overseers in the Public Works Department are Probationers within the meaning of this Rule.~~]

Apprentice.

6. Service as an Apprentice ~~(excepting an Engineer Apprentice in the Public Works Department) or, in the Bengal Presidency, as a Supernumerary Assistant Surgeon,~~ does not qualify; ~~but a Supernumerary Assistant Surgeon may be allowed leave for six months in all on medical certificate without loss of allowances. An officer who has qualified for any leave under the Rules in this Chapter, by service as Assistant Surgeon does not, on reversion to the position of Supernumerary Assistant Surgeon, forfeit his claim to the leave which he has earned: Provided always that, if such reversion is due to the officer's misconduct or inefficiency, it shall be at the discretion of the Local Government to withhold the grant of the leave for which he qualified by service as Assistant Surgeon.~~

Officer holding an officiating or temporary appointment.

7. An officer holding a temporary or officiating appointment only is not entitled to leave of any kind; but a limited amount of leave may be allowed to such an officer under the conditions hereinafter stated.

[NOTE.—This Rule does not apply to officers whose service is classed under clauses (*c*) and (*d*) in Rule 5 under Section 74 or the Civil Pension Code.]

Service in other offices.

8. An officer transferred to an office to which these Rules

LEAVE ON MEDICAL CERTIFICATE LEAVE ON PRIVATE AFFAIRS

apply is not entitled to leave under them in respect to service rendered in an office to which they do not apply.

Exceptions. (1.)—An Apothecary appointed to be an Assistant Surgeon under the 46th paragraph of the General Order of the Government of India in the Military Department, No. 550, dated the 5th June 1868, may count his service as a Warrant Officer towards leave as an Assistant Surgeon, on the understanding that any leave taken by him during his employment as an officer of the Military Subordinate Medical Department in the Warrant grade, will be treated as if it had been taken under these Rules.

(2.)—A Military Hospital Assistant who, under Resolution in the Home Department, No. 16, dated 9th January 1878, is transferred to the civil branch of the Subordinate Medical Service, may count his military service: provided that any leave taken during this service shall be counted as leave taken under this Chapter.

LEAVE ON MEDICAL CERTIFICATE.

Amount

128. Leave on medical certificate may be granted for three years in all, but not for more than two years at one time; and no officer can have leave on medical certificate out of India more than twice.

Temporary footing

1. An officer who has a temporary or officiating appointment only may be allowed leave under this Section for not more than three months, if the Local Government considers no substitute to be necessary, or can provide for his duties without additional expense.

[NOTE.—See Note under Rule 7, Section 127]

Allowances

129. An officer on leave under Section 128 is entitled to Half his Average Salary for the first fifteen months of each period of absence, but not for more than thirty months in all. For the rest of his leave under Section 128 he is entitled to a Quarter of his Average Salary.

LEAVE ON PRIVATE AFFAIRS.

Amount

130. Leave on private affairs for six months may be granted to an officer who has not had Furlough, after six years' service, and repeated after intervals of six years.

1. Leave on private affairs does not accumulate, and cannot be taken in instalments.

FURLOUGH. LEAVE WITHOUT ALLOWANCES.

2. Leave on medical certificate counts as service for leave on private affairs.

Allowances.

131. An officer on leave under Section 130 is entitled to Half his Average Salary.

1. An officer does not forfeit the allowance to which he is entitled under this Section by resigning the Service at the end of the leave.

FURLOUGH.

Amount

132. Furlough may be granted, as follows, to an officer who has not had leave on private affairs:

After ten years' service;—one year or any less period; and thereafter, at intervals of not less than eight years, one year or any less period;

or

After eighteen years' service;—two years or any less period; and thereafter, at intervals of not less than eight years, one year or any less period:

Provided that not more than two years in all may be granted.

1. Leave on medical certificate counts as service for Furlough.

2. Leave on private affairs under the Rules in force before the 8th June 1863 does not prevent the grant of Furlough under this Section.

Allowances.

133. An officer on Furlough is entitled to Half his Average Salary.

LEAVE WITHOUT ALLOWANCES.

Leave without allowances.

134. Extraordinary leave without allowances may, in case of necessity, be granted for such time as may be necessary. Time spent on leave under this Section does not count as service for other leave. Subject to the provisions of Section 142, there is no limit to the length or frequency of leave under this Section, and it may be granted in continuation of leave on medical certificate, and leave on private affairs, or Furlough, but not in continuation of Privilege leave.

Recess leave.

135. Leave during the recess may be granted, by the Head of the Party to which he belongs, to

(*a*) Native Surveyor in the Survey of India,—on half-pay or less (payable on return to duty), or without pay;

Section 135, Rule 1.

Insert the following words after "in the Forest Survey" *in line 3 of this Rule :—*

"or in the Survey of India."—(No 1890, dated 27th June 1884)

SUBSIDIARY LEAVE. PRIVILEGE LEAVE.

(*b*) a Lower Subordinate in the Forest Survey, or a Forest Subordinate in Kumaun and Garhwal,—on half-pay (payable on return to duty) :

Provided always that the officer returns to duty when required by his superior officers.

Privilege leave in addition not admissible.

1. Privilege leave may not be granted to an officer who is entitled to the concession provided for in this Section ; but a Lower Subordinate in the Forest Survey, or a Forest Subordinate in Kumaun and Garhwal, who is prevented from availing himself of leave during recess, may be allowed to take Privilege leave under the ordinary Rules, service towards such leave counting from the date of return from Recess leave. Privilege leave will not be granted except upon a certificate from the Head of the Party to which the officer is attached, that he was prevented from availing himself of the Recess leave in consequence of the exigencies of the service.

SUBSIDIARY LEAVE.

Subsidiary Leave.

136. An officer going on, or returning from, leave out of India on medical certificate, leave on private affairs, or Furlough, or going on or returning from leave on medical certificate to a sanitarium, is entitled to Subsidiary leave under the Rules in Chapter V.

Allowance.

137. An officer on Subsidiary leave prefixed to other leave is entitled to Half his Average Salary. An officer on Subsidiary leave following other leave, is entitled to Half his Average Salary, or Quarter of his Average Salary, according to the rate of allowance to which he may be entitled at the end of the leave to which it is subsidiary.

1. But see Section 70 (*d*), Rule 1.

Subsidiary Leave preparatory to retirement.

2. Subsidiary leave on half pay for a period not exceeding fourteen days may be given to an officer preparatory to his retirement from the Service, provided that the grant causes no additional expense on the State.

PRIVILEGE LEAVE.

Amount.

138. Privilege leave may be granted in accordance with the Rules in Sections 71—76 : provided that no non-gazetted officer, whose salary is less than Rs. 200 a month, can draw any allowances for time passed on Privilege leave until he returns to duty.

Advance of salary in certain cases.

1. A non-gazetted officer taking Privilege leave, whose salary is less than Rs. 200 a month, may, with the special sanction of the

PRIVILEGE LEAVE

Head of his Office, receive an advance not exceeding two months' salary, and, also, not exceeding the allowances which would become due to him for the whole period of leave on the expiration thereof. Such advances must be liquidated from the first allowance which the officer receives; if he dies before earning the full amount of the advance, the unearned portion need not be recovered from his estate, but may be written off as Loss.

Temporary footing.

2. An officer who has a temporary or officiating appointment only may be allowed Privilege leave, without losing his lien on such appointment, if the Local Government considers no substitute to be necessary, or can provide for his duties without additional expense. If such an officer is, without interruption of his service, appointed to a permanent office, his temporary or officiating service may be treated as duty qualifying for Privilege leave within the meaning of Section 72.

[NOTE.—See Note under Rule 7, Section 127.]

3. The condition prescribed in Section 74 by which an interval of six months is required to elapse between two periods of absence on Privilege leave, does not apply to officers whose case forms *Exceptions* (7) and (8) under Section 127.

4. In applying Rule 1 under Section 74 to officers whose case forms *Exceptions* (7) and (8) under Section 127, the words "otherwise than as provided by *Exceptions* (7) and (8) under Section 127" should be added after "Certificate."

5. Leave on medical certificate as provided for in Exceptions (7) and (8) under Section 127 is not an interruption of duty.

High Court Officer.

6. A Ministerial Officer of a High Court is not allowed Privilege leave, if he is allowed to be absent during the High Court vacation.

Non-continuous establishment.

7. Privilege leave is not allowed to an officer employed in an establishment the duties of which are not continuous, but are restricted to certain fixed periods in each year. (*See Rule 1 under Section 74, Civil Pension Code.*)

Hospital Assistant

8. Privilege leave may be granted under these Rules to a Military Hospital Assistant in civil employ upon condition that no additional expense is thereby caused.

[NOTE.—A Hospital Assistant is not entitled to Privilege leave in respect of duty done in the Military Department.]

Warrant Officers.

9. Privilege leave to Warrant Officers employed in the Public Works Department is granted under the Rules in this Section.

Seaman.

10. An officer or seaman attached to a Pilot or Light Vessel at the Sandheads may, in addition to the Privilege leave admissible under this Section, be allowed one month's leave on shore, beginning on the date of his arrival at Calcutta, after four months' continuous duty at the Sandheads.

Oudh Police.

11. A man transferred on or before the 3rd May 1861 from the Army or the Oudh Military Police, or any other Military body, to the Oudh Civil Police, is allowed to accumulate Privilege leave

Section 141.

Insert the following "Note" *under this Section :—*

"[NOTE —See Note 1 under Section 78]"—(114) (Finance Department Order No. 3258, dated the 29th September 1886.)

EXAMINATION LEAVE. GENERAL.

on full pay to the extent of six months if his home is east of the River Indus, and seven months if his home is west of that river.

EXAMINATION LEAVE.

For higher subordinate appointment.

139. An officer permitted to present himself at any examination which must be passed before a person is eligible for a higher subordinate appointment in any branch of the Uncovenanted Service, such as a Deputy Magistracy, may, under the orders of the Local Government, be allowed leave of absence for the number of days which is actually necessary to enable him to attend at the Examination. During this absence, which is expected to be short, no deduction will be made from the officer's allowances, unless the Head of the office finds such deduction necessary to enable him to make arrangements for carrying on the work. Such leave should not be allowed more than twice for each standard of examination.

To study for surveying.

140. The Master of a Government School in Bengal, in receipt of a salary not exceeding Rs. 200 a month, while absent from his office with the object of studying to qualify himself as a Teacher of Surveying, is considered to be absent on duty or on special deputation: provided that such period of absence shall not exceed three months.

GENERAL.

Extension and commutation of leave.

141. Leave on private affairs and Furlough cannot be taken in continuation of any leave except Subsidiary leave; but any leave granted under these Rules may be retrospectively changed for any other kind or amount of leave which might at first have been granted;* and if an officer absent on Privilege leave, or on leave on private affairs, or on Furlough, take extension of leave on medical certificate, the whole of the absence will be treated as leave on medical certificate.

1. Extraordinary leave without allowances cannot be converted retrospectively into leave on medical certificate; but leave on medical certificate may be given in continuation of Extraordinary leave without allowances.

* See Rule 8 under Section 97, Civil Pension Code.

APPLICATIONS FOR LEAVE.

Lien on appointment.

142. No officer's* appointment becomes vacant simply by reason of his taking leave under these Rules. But absence without leave, or after the end of leave (excepting Privilege leave, in which case a week's grace is allowed), involves loss of appointment; and after five years' continuous absence, whether with or without leave, an officer is considered to be out of Government employ.

1. The Secretary of State, in granting to officers extension of leave, sometimes declines to guarantee retention of appointment, if there is no time to communicate with the Local Government in India.

2. An officer who goes on leave out of India has no claim to return to the particular local appointment from which he took leave.

APPLICATIONS FOR LEAVE.

Applications for leave

143. (*a*) Leave may be granted to an officer by the Authority whose duty it would be to fill up his appointment if vacant. The Local Government may empower Heads of Departments to grant Privilege leave to officers under their orders who are appointed by Government; but if the officer to whom leave is granted be a Gazetted Officer, the grant of leave must be reported to the Local Government.

Recepta

* In despatch No. 87, dated 15th March 1883, the Secretary of State noticed a case in which a Local Government had granted to an officer special leave for three years under Section 16 of the Civil Leave Code, in extension of two years' leave previously granted, and made the following remarks :—

"It appears to me that considerable misapprehension exists in India in regard to the meaning of the rule contained in Section 142 of the Civil Leave Code, which was framed in analogy with the provisions of Act 33, Geo. III, Chapter 52, Section 70, and which provides that after five years' continuous absence, whether with or without leave, an officer is considered to be out of Government employ. In cases like the present, it seems to be thought that this rule merely indicates the maximum amount of leave which, if not inconvenient to the Government, an officer may not unreasonably expect to have granted to him; whereas the intention of the rule is merely to fix a limit of leave which under no circumstances can be exceeded, and to which it is undesirable that any near approach should be made in any but very exceptional cases. The grant of protracted leave of this nature has hitherto been almost exclusively confined to officers whose services have been lent to foreign Governments, of which the cases of the officers who, during the past few years, have been deputed to Egypt are instances in point; though it is true that Native Officers have occasionally been allowed to remain, for the purposes of study, for considerable periods in Europe, when it has been thought that the studies in which they were engaged would render them more efficient in the discharge of their duties in India. Such instances are, however, rare, and do not affect the principle on which the rule should be worked; and I have therefore to request that you will draw the attention of the various Local Governments to the fact that, in any recommendations they may have to make in cases similar to that of Mr. A., the view of the rule laid down in this despatch should invariably be borne in mind."—*Resolution No. 463, dated 30th April 1883.*

Section 143 (a).

Add the following after "Departments" *in line 4 of this section :—*

"or Commissioners of Divisions or the Commissioner in Sind."—(212) (Financial Department Order No. 4802, dated 7th September 1887.)

Exception. Leave may be granted to Tahildars in the Ex to P or not by Commrs of Divns in which they are serving.

APPLICATIONS FOR LEAVE

Monthly return

(*b*) A monthly return of Non-Gazetted Officers absent on leave should be prepared in the Form given in Appendix G., and should accompany each establishment pay-bill.

[NOTE.—An Accountant General is not required to submit any report on the title to leave of an applicant who is not a Gazetted Officer.]

Medical certificates

1. (*a*) Applications for leave, or extension or commutation of leave, on medical certificate, must, in the case of a Superior Officer, be accompanied by a statement from the applicant's medical attendant, distinctly stating from personal observation the nature of the illness, its symptoms, causes, and duration.

(*b*) A certificate must also, in the case of a Superior Officer, be submitted from the Chief Medical Officer of the Station or District, or, if the officer is at the Presidency Town, from a Presidency Surgeon, to the effect that, after careful personal investigation, he considers a certain period of absence absolutely requisite for the restoration of health. But an applicant for leave must not appear before the Chief Medical Officer of the Station or District, or a Presidency Surgeon, without the cognisance of the Head of his office, or, if he is himself the Head of his office, of the Head of his department.

(*c*) If the leave be for more than six months, the papers must, in the case of a Superior Officer, be submitted for countersignature by the Surgeon-General or Deputy Surgeon-General of the province to which he belongs.

It is not necessary that the applicant for leave should appear in person before the Surgeon-General or Deputy Surgeon-General, unless that officer call upon him so to appear. The Surgeon-General or Deputy Surgeon-General should only call upon an applicant from a distant station to appear for very special reasons.

[NOTES (1).—In the case of an officer who is granted leave on medical certificate for three months, and who subsequently applies for an extension which, if granted, would have the effect of making the entire period of leave more than six months, it is necessary that the application for extension should be supported by a medical certificate countersigned by the Surgeon-General or the Deputy Surgeon-General.]

(2).—Where, as in British Burma, there is a separate officer in charge of the Civil Administration, such officer shall take the place of the Deputy Surgeon-General.]

(*d*) An officer employed in British Burma is not required to appear in person before the Surgeon-General.

(*e*) If the applicant be already on leave out of India, the certificate under clause (*a*) must state the period during which the Surgeon or Physician has attended the officer, and it must be countersigned, after personal examination, by the Medical Board of the India Office, or by the Principal Medical Authority of the Colony or Country where the absentee may be.

(*f*) The forms of Certificate prescribed in Section 79, Rules 10 to 18, may be used as far as they are applicable.

CHAPTER XI.

THE BENGAL COVENANTED PILOT SERVICE.

[NOTE.—Branch Pilots R. S. Evans, O. Lash, J. P. B. Le Patourel, and C. G. Smyth, who were in the service of Government on the 10th January 1879, are subject to the Rules* which regulated the leave and allowances of Pilots before that date.]

Pay

144. For the purposes of these Rules, the pay of the several grades of the Service shall be taken to be as follows:—

	Rs.	
Branch Pilot	1,000	a month.
Master Pilot	700	"
Mate Pilot	450	"
1st Mate Leandsman	150	"
2nd Mate Leadsman	125	"
Leadsman Apprentice	100	"

Furlough

145. Furlough may be taken to the extent of four years during the entire period of service, in the following instalments, *viz.*, after ten years' service, two years, and after every subsequent eight years, one year, on an allowance of half the average pay for the last three years: provided that no Furlough can be granted to an officer who has taken leave on medical certificate until three years after his return from leave on medical certificate.

If a portion of an instalment is taken, the remainder may be added to any later instalment: provided that not more than two years' Furlough may be taken at one time.

Leave on medical certificate.

146. Leave on medical certificate may be taken to the extent of three years during the whole period of service, but not for more than two years at a time, and not more than twice out of India. Such leave cannot be taken for more than one year, except after three years' continuous service immediately preceding. Leave on medical certificate cannot be counted as service for Furlough, and no leave on medical certificate can be taken while any Furlough is due. An officer

* See Appendix F.

on leave under this Section is entitled to half his Average Pay for the first fifteen months of each period of absence, but not for more than thirty months in all. For the rest of his leave under this Section he is entitled to a quarter of his Average Pay. The minimum furlough allowance during leave on medicate certificate to the officer to whom any allowance is due shall be—

In the case of a Branch Pilot, Master Pilot, and Mate Pilot	Rs. 100 a month.
In the case of a Mate Leadsman and Leadsman Apprentice	50 „

147. (*a*) Special leave on urgent private affairs may be granted at any time for not more than six months: provided that an officer who has had Special leave must render six years' Active Service before he can again have such leave. Special leave.

(*b*) For the first six months for which an officer is on Special leave, whether the six months be included in the same leave or not, he is entitled to leave allowance of half his Average Pay for the last three years.

(*c*) Thereafter he is entitled to no leave allowance.

148. Subsidiary leave on half Average Pay, on the terms and conditions prescribed in Sections 64 and 65 of the Code, may be prefixed and affixed to Furlough, Leave on medical certificate, and Special leave on urgent private affairs, taken out of India. Subsidiary leave

149. Privilege leave may be taken either— Privilege leave.

(*a*) As provided for officers in Sections 71—76; or

(*b*) For a period of two months in every twelve, on half pay (which cannot be accumulated), on a medical certificate showing that the applicant requires, through sickness, more leave than he could take under the ordinary Privilege leave Rules in Sections 71—76. When such leave is taken in extension of ordinary Privilege leave, the period of ordinary Privilege leave first taken under clause (*a*) must be commuted to double the period on half pay under this clause. Leave taken under this clause shall be reckoned as Active Service: Provided that if leave taken under this clause be extended under medical certificate, the whole of the leave shall be treated as leave on medical certificate under Section 146.

(*c*) The leave authorised in clause (*b*) may be taken in instalments; but a Pilot may not take leave under clause (*a*) for eleven months after his return to duty from his last leave taken under clause (*b*).

Leave admissible after superannuation age

150. A Pilot is eligible after he attains the age of fifty-five years for Privilege leave, and for any Special leave on urgent private affairs to which he may be otherwise entitled. No leave, other than Privilege leave or Special leave on urgent private affairs, granted to a Pilot before his fifty-fifth birthday, has effect after that date.

CHAPTER XII.

PORT BLAIR POLICE.

Privilege leave

151. Privilege leave may be granted to the men employed in the Port Blair Police Force as under:—

2 months after 30 months' consecutive service.
3 „ „ 36 „ „ „

Such leave cannot be claimed as a right, and will only be granted when it can be given without inconvenience to the Public Service. During Privilege leave full pay is admissible.

Sick leave

152. While sick in hospital at Port Blair or Nancowry, allowances are granted as follows:—

Constables .	Full pay for so long as they may be in hospital.
Sergeants .	Ditto ditto.

[NOTE.—This concession does not interfere with the grant of any leave admissible under this Chapter.]

Chief Constables, Sub-Inspectors, and Inspectors,	In accordance with Section 129.

During sick leave spent in *India*, allowance is granted at the following rates:—

Constables .	Subsistence allowance of Rs. 6 a month.
Sergeants .	Subsistence allowance of Rs. 10 a month.
Chief Constables	Half pay for 15 months and subsistence allowance of Rs. 15 a month after that term.

153. Furlough and sick leave to India is granted to Inspectors and Sub-Inspectors under the Rules in Chapter X. Furlough to Inspectors and Sub-Inspectors.

154. Furlough to unmarried men, or men whose families remain at their homes in India, may be given, in turn, after five years' continuous service in the Settlement. Furlough may also be given, in special cases, at the discretion of the Superintendent, to married men having their families at the Settlement, after a continuous service of not less than five years. Furlough to unmarried men &c.

155. Such Furlough carries with it half pay, and may be for periods of from four to six months, according to the distance of the applicant's home from Calcutta. Allowances

156. Leave-men proceeding to India should be employed, ordinarily, on the voyage in guarding transferred convicts, and when not required for the purpose, they may be granted deck passages at the expense of Government. Leave-men how to be employed on the voyage to India

157. From the port of debarkation they will proceed to their homes at their own expense, and on the expiration of their Furlough they will report themselves to the Commissioner of Police, Calcutta, with a view to their employment as convict guards on the return voyage. If not required for this purpose, they may be granted a deck passage at the public expense. and on return voyage.

158. The total number of men on leave at one time from all causes other than Privilege leave shall not exceed ten per cent. of the Force. Limitation of the number of men on leave.

159. Absence without leave is punishable by dismissal or forfeiture of pay. Penalty for absence without leave.

CHAPTER XIII.

JOINING TIME.

160. JOINING TIME is the time allowed to an officer to proceed from one Station to another when his appointment is changed, or when, being unemployed, he is appointed to any office. An officer is held to be on duty during Joining Time if he is entitled to allowances. Purpose for which allowed

1. Only one day is allowed for joining an appointment which does not, necessarily, involve a change of residence. Period admissible.

[NOTE.—See Proviso VI to Rule 2.]

2. Otherwise Joining Time is calculated as follows, excluding Sundays not actually spent in travelling:—

Six days for preparation; and, in addition thereto,—

for the portion of the journey which the officer travels or might travel—	a day for each	
By Railway	200 miles.	
By Ocean Steamer	150 „	or any longer time actually occupied in the journey.
By River Steamer	80 „	
By Mail Cart or other public stage conveyance drawn by horses	80 „	
In any other way	15 „	

[NOTE.—An extra day is allowed for any *fraction* of distance over that prescribed. *But See Rule 15 in the case of Ministerial officers on salaries not exceeding Rs. 100 a month.*]

Provisos—

i.—The maximum Joining Time is thirty days: the following provisos are all subject to this maximum.

[NOTE.—If the Local Government is satisfied that an officer has, through no fault of his own, been unable to avail himself of the usual mode of travelling, it may extend even the maximum Joining Time of thirty days. But in that case it should report its proceedings to the Government of India in the Finance Department, with a full statement of the circumstances of the case.]

ii.—When part of the journey is by steamer, the days intervening between the officer being set free from his office, or, if he has no office, receiving his orders, and the departure of the steamer, or his start duly regulated to catch the steamer, shall be added to the time calculated under this Rule.

iii.—By whatever route the officer travels, his Joining Time shall, unless the Local Government specially permit otherwise, be calculated by the route which travellers habitually use.

[NOTE.—But see Rule 15 for Ministerial Officers on salaries not exceeding Rs. 100 a month.]

iv.—If the officer satisfies his new Departmental Superior that, notwithstanding due diligence on his part, the journey has occupied altogether more time than is allowed by the Rules, the time actually occupied may be allowed.

v.—On being satisfied that the Rules have, in any particular case, operated hardly, as, for example, if an officer has, through no default on his part, missed a steamer, or fallen sick on the journey, the Local Government may, for reasons stated, allow concessions in excess of what is admissible by the Rules, on such conditions as to allowances or otherwise as it may think fit. Such concessions must not be made as a mere indulgence or otherwise than because the Rules do not appear to provide reasonably and equitably for the case.

vi.—The Local Government may, for reasons stated, extend the Joining Time admissible by Rule if it considers

such extension necessary for the public convenience, or for the saving of public expense, as, for example, to prevent unnecessary and merely formal transfers.

[NOTE.—This Proviso applies also to Rule 1.]

vii.—The Accountant General, as defined in Section 131, Rule 2, Civil Pension Code, shall bring to the notice of the Local Government any concession made under Proviso iv which seems to him improper or unreasonable, and shall move the Local Government to report to the Government of India any concession made under Proviso v, or extension made under Proviso vi, which appears to him contrary to the spirit of those Provisos. The Local Government may not, in either case, finally overrule the Accountant General without a reference to the Governor General in Council.

[NOTE.—Upon the application of the Local Government the Government of India will sanction any necessary relaxation or modification of these Rules in exceptional localities where their general application would operate harshly.]

Change of appointment during transit.

3. The Joining Time of an officer, whose appointment is changed while he is in transit from one appointment to another begins on the day following that on which he receives his orders.

When leave intervenes

4. When an officer, after giving over charge of his office at one station, on transfer or reversion to another office, takes Privilege or Examination leave before joining the office to which he has been transferred, or to which he has reverted; or when an officer, while on Privilege or Examination leave, is transferred to a station other than that from which he took leave, he is entitled to Joining Time in addition to his Privilege or Examination leave. The Joining time of an officer transferred during Privilege or Examination leave will be counted from his old station, or from the place where he receives the order of transfer, whichever calculation would entitle him to the less Joining Time.

Charge of office.

5. Unless, for special recorded reasons, the Authority under whose orders the transfer takes place, permits or requires it to be made in any particular case, elsewhere or otherwise, the charge of an office must be made over at its Head-quarters, both the Relieving and the Relieved Officers being present.

[NOTE.—In the Madras Presidency, the Collector may authorise transfer of charge of a Sub-divisional Office in his District at a place other than the Head-Quarters of the Division,] and the Inspector General of Police, Madras, has similar power in respect of Police officers serving under him.

Head-quarters on the staff of Government.

6. As a general Rule, and subject to any special orders to the contrary in particular cases, the Head-quarters of an officer on the staff of a Government, as, for instance, a Secretary to a Government, the Surgeon-General with the Government of India, or a clerk in a Government Secretariat, are the Head-quarters, for the time being, of the Government to which he is attached.

Of other officers

7. The Head-quarters of any other officer are either the station which has been declared to be his Head-quarters by the Authority which appoints him, or, in the absence of such declaration, the station where the records of his office are kept.

Charge of office elsewhere than at Head-quarters.

8. If an officer is authorised under rule 6 to make over charge of an office elsewhere than at its Head-quarters, any Joining Time to which he may be entitled shall be reckoned from the place at which he actually makes over charge.

Furlough taken during transit.

9. If an officer, during transit from one appointment to another, obtains Furlough on medical certificate (with or without Subsidiary leave prefixed), he may be allowed only the Joining Time calculated for the journey from his old station to the furthest place to which he has proceeded on his route to his new station.

Allowances.

10. Except in the case mentioned in Rule 12, an officer draws during Joining Time the pay or salary which he drew in his old appointment or that which he draws in the new, whichever is less; provided that an officer transferred from one officiating appointment to another shall not draw any acting allowance during Joining Time if he had not a superior lien on either of the officiating appointments to that of the officer relieved by or relieving him. If the officer is entitled to tentage in his old appointment and tentage is also attached to his new appointment, he may draw tentage during joining time at the lower of the two rates.

Allowance if Privilege or Examination leave is combined with Joining Time.

11. When, under Rule 4, an officer combines Privilege or Examination leave and Joining Time, his allowances during Joining Time,—that is to say, for the period, not exceeding the Joining Time admissible by Rule, in excess of his Privilege or Examination leave, during which he is absent from duty,—must be calculated at the rate at which his Joining Time allowance would have been calculated if he had joined the office to which he is transferred directly.

Uncovenanted officer without appointment.

12. An Uncovenanted Officer, who has no substantive appointment, is not entitled to any allowance during Joining Time; but if such an officer, officiating in an office, is transferred to another office under the same Local Government, the Local Government may allow him to draw, during his transit, the allowance to which he would be entitled under Rule 10.

Ministerial officers.

13. The Rules in this Chapter apply to a Ministerial Officer who, with the consent of the Head of his office, or under the orders of competent Authority, is transferred to service in another office on grounds of public convenience only, and not at his own request, for his own advantage, or in consequence of any fault on his part.

Cessation of allowances.

14. An officer who does not join his new appointment within his Joining Time is entitled to no allowances after the end of his Joining Time, and after a week ceases to have a lien on any appointment. But if the Local Government considers that his default was due to circumstances beyond his control, it may exempt him from the loss of his appointment.

[NOTE.—The expression "allowances" in the Rule does not include travelling allowance.]

15. A Ministerial Officer, whose salary does not exceed Rs. 100 a month, should not ordinarily be required to travel by mail cart or other public stage conveyance drawn by horses.

CHAPTER XIV.

PAYMENT OF LEAVE ALLOWANCES.

161. (*a*) Leave allowances are payable in India after the end of each Calendar month; but an officer on Furlough or Special leave out of India may, at his option, take payment Allowances payable.

~~(1) if he proceeds to Europe~~	At the Home treasury of the Government of India.
~~(2)~~ if he proceeds to any Colony named in the list in Schedule C . . .	In such Colony.

1. Privilege leave allowances are not payable out of India; but in case an officer leaving India should afterwards want his leave to be commuted, he should take with him a certificate as follows:— Privilege leave certificate.

PRIVILEGE LEAVE CERTIFICATE.

(*Name of, and designation of office held by, the officer.*)

1. Government under which employed.
2. Date of beginning of leave.
3. Date on which leave will end.
4. Whether Furlough or Special leave is admissible on Privilege leave being commuted, and if so, to what extent and on what terms.

[NOTE.—If Furlough or Special leave is granted, the leave allowances admissible will not be paid out of India until the officer produces a Last-pay certificate.]

(Place) (Signature)

(Date) *Accountant General.*

N.B.—*Privilege leave allowances are not payable out of India.*

This certificate should be furnished to those officers only who may apply for it, and the Accountant General need make no enquiries as to the place in which an officer intends to spend his Privilege leave. A Military Officer subject to Military Rules must himself obtain the certificate prescribed in Rule I under Section 162, and submit it to the Accountant General with a view to the preparation of his Privilege leave certificate, should he require one.

Duplicate of a Privilege leave certificate is not to be forwarded to the Secretary of State.

2. An officer proceeding on Furlough or Special leave out of India cannot draw his leave allowances at the Home or any Colonial treasury unless he is provided with a Last-pay certificate. Last-pay certificate.

Leave certificate to be taken by an officer going on leave out of India.

3. (*a*) An officer proceeding on Furlough, or Special or Extraordinary leave out of India, who does not intend to draw allowances during his absence, must take with him a Certificate of Leave in the following form, from the Accountant General in whose circle of account his appointment is held:—

CERTIFICATE OF LEAVE GRANTED TO (*name of, and designation of office held by, the officer*) PROCEEDING OUT OF INDIA.

[NOTE.—*The allowances admissible to the officer during leave will be paid in India.*]

1.—Government under which employed.
2.—Date of beginning and ending of any leave already taken; the nature of such leave, and the Rule under which it was taken.
3.—Section or Rule of the Civil Leave Code under which the leave is granted.

[NOTE.—*Distinguish Furlough granted on medical certificate from Furlough granted without medical certificate.*]

4.—Period of leave.
5.—Date of commencement of leave.
6.—Monthly rate of absentee allowance.
7.—Source from which absentee allowance is payable.
8.—Period for, and terms on which leave may be extended or commuted otherwise than to Extraordinary leave.

(Place) (Signature)
Accountant General.

If the officer visits England, this certificate is to be presented at the India Office.

[NOTE.—A Military Officer subject to Military Rules proceeding on Furlough cannot obtain such a certificate until he submits to the Accountant General a certificate in ~~Form A, B, or C,~~ as the case may be, contained in Appendix D;— in the case of an Officer of the Bengal Army, by the Secretary to the Government of India in the Military Department, and in the case of an officer of the Madras or Bombay Army, by the Adjutant General of the Army to which he belongs.]

Last-pay certificate.

(*b*) If the officer afterwards desire to draw his leave allowances at the Home treasury of the Government of India or at some Colonial treasury, he must obtain a Last-pay certificate from the Accountant General of the Presidency or Province in which he was employed when he proceeded on leave.

Where payable.

4.* A Gazetted Officer on leave in India may draw his allowances at any treasury in India. An officer on Furlough or Special leave out of India may draw his allowances in India either at his own Head-quarters, or at the Chief Town of the Province, or Capital Town of the Presidency in which he is employed.

Extension or commutation of leave.

5.* If the leave of an officer, whether in or out of India, is extended or commuted, the Accountant General within whose jurisdiction the officer is employed, must, on receiving advice of such extension or commutation, forthwith communicate it to the Accountant General within whose jurisdiction his leave allowances are drawn. He should also communicate any other circumstances connected with the leave which may be required to be known to the Accountant General who passes the officer's leave allowances.

* Does not apply to Officers in the Public Works Department. There are special Departmental Rules for these Officers. (*See Appendix B.*)

Section 161 (a).

Rule 3.

Note.

For the words "Form A, B, or C," *in line 3 of this note, substitute* "Form A, B (1), B (2), C, or D."—(241) Finance Department No. 2102, dated 23rd April 1888.)

For Rule 1 under this section, substitute the following :—

1. Payment is made at the Home Treasury as follows :—

In respect of civil officers, on or after January 1st, April 1st, July 1st, and October 1st, for the quarters ending respectively on December 31st, March 31st, June 30th, and September 30th, and in respect of military officers, on or after February 1st, May 1st, August 1st, and November 1st,

for the quarters ending respectively on January 31st, April 30th, July 31st, and October 31st—

to the officer on his personal application ;

or

to his banker or other agent, duly authorised under power-of-attorney, on production of a life certificate, filled up and executed in the manner directed thereon (except in cases where proof of existence is not required owing to the banker having guaranteed the Secretary of State against loss consequent on his dispensing with the production of such proof) ;

or

on presentation of a draft, duly filled up and signed by the officer, in a form which, with the requisite form of life certificate attached, may be obtained from the India Office, London, on the officer's written application.—(141) (Finance Department Order No. 921, dated 21st May 1886.)

6.* If a Gazetted Officer signs his bill himself, he must either appear in person at the place of payment, or furnish a Life certificate signed by a responsible officer of Government, or some other well-known and trustworthy person. If he draws his allowances through an authorised agent, the agent, whether he has or has not a Power-of-Attorney, must either furnish a Life certificate as aforesaid, or execute a bond to refund over-payments. A Life certificate may be given periodically, a bond being given to cover intermediate payments not supported by the Life certificate. Personal appearance or Life certificate.

7.* The proper stamp duty upon bonds executed under this Rule is that chargeable upon Indemnity Bonds according to the First Schedule of the Indian Stamp Act, I of 1879. Stamp duty.

8.* A Ministerial officer on leave in India can draw his leave allowances only at the treasury where his salary is paid, and under the signature of the Head of his office, who is responsible for any over-charges: no other security is required. Ministerial officer.

(*b*) If payment be taken at the Home treasury it is made quarterly, and rupees are converted into sterling at the rate of exchange fixed for the time being, for the adjustment of financial transactions between the Imperial and the Indian treasuries. Unless otherwise arranged, this rate of exchange is also applied in the payment of leave allowances in a Colony. If any payments are made at a different rate, or otherwise, erroneously, they should be adjusted in subsequent payments. Exchange with England.

Exception.—The absentee allowance of a Military Officer on Furlough out of India and drawn in England, who elected the Military Furlough Rules of 1868 before the 1st July 1871, is paid at the rate of two shillings the Government rupee.

1. Payment is made from the Home treasury as follows:— At Home treasury

On fixed Quarter Days (namely, March 25th, June 24th, September 29th, December 24th) a form is supplied on application to the India Office, containing,

(1)—a Life certificate to be filled up in the manner directed on its face;

(2)—a Cheque for the amount due (which is specified) for the officer to fill up, and which may be cashed through any banker.

2. If, in any covenant or contract, dated before the 23rd day of November 1871, with any officer for service in India, it is provided that, in payments to be made under, or in pursuance of, the contract, a pound sterling shall be considered an equivalent or equal to Rate of exchange in the case of an officer under covenant or contract

* Does not apply to Officers in the Public Works Department. There are special Departmental Rules for these Officers. (*See Appendix B.*)

and calculated after the rate of, ten rupees, any leave allowance which the officer is, under his covenant or contract, entitled to receive in England, shall be converted into sterling at that rate. But if, in such contract, no provision is made for the payment of any allowances during leave, the aforesaid rate of exchange will not apply to any leave allowances.

Recovery of advances.

3.* If an officer receives an advance of pay in England to enable him to return to duty in India, the advance will be recovered at the rate, or rates, of exchange fixed for the adjustment of financial transactions between the Imperial and Indian Governments for the year in which the advance was made. This Rule will also apply when an advance is made in England to a person appointed there, proceeding to India to join his appointment.

with the exception of Rules 8 & 11 under Sec 163 do

CHAPTER XV.

The Rule is

LAST-PAY CERTIFICATE AND WARRANT.

[NOTE.—This Chapter does not apply to officers employed in the Public Works Department.]

Production of last-pay certificate required to enable salary being drawn.

162. No officer (unless he has been newly appointed to the service of Government) can begin to draw any pay or allowances at any treasury in India, or at the Home treasury of the Government of India, without producing a Last-pay certificate from the treasury where his pay or allowances were last disbursed, or from the Accountant General within whose jurisdiction this treasury is.

Not required in certain cases.

Exception.—A Salary or Establishment Bill on account of an officer of whatever rank required to accompany the Head-quarters of the Government of India to Calcutta or Simla, signed or countersigned by a Gazetted Officer, is exempted from the operation of this Section.

Military Officer subject to Military Rules.

1. A Military Officer subject to Military Rules, proceeding on Furlough, cannot obtain a Last-pay certificate or a Warrant, as the

* The following Rules regulate the grant of advances to officers on arrival in India on first appointment to the service of the Government in India and to officers returning from leave or special duty out of India :—

I.—An advance of pay for the month in which the officer arrives in India and for the ensuing month, up to a maximum of Rs. 1,000, may be made to any public officer in the Civil Department, on arrival in India on first appointment, or on return from leave or special duty out of India.

II.—The advance may be drawn under the orders of the Accountant General from any treasury in India to be specified in such orders.

III.—Such advances, as well as similar advances issued by the Home Government, are to be recovered by monthly instalments of one-third of salary.

Section 161 (b).

Rule (3).

(a)/1 *Footnote.*

After "Salary" *in Clause III of this footnote, insert—*

"Except in the case of Covenanted Engine Drivers, when the recovery should be made in such a manner as will ensure their receiving not less than Rs. 25 in any one month, exclusive of overtime or other allowances."—(78) (Finance Department No. 1030, dated 27th May 1885.)

Section 162.

Rule 1.

For the words "Form A, B, or C," *in line 4 of this Rule, substitute* "Form A, B (1), B (2), C, or D."—(241) (Finance Department No. 2102, dated 23rd April 1888.)

Section 163.

Rule 2.

(a)

Insert the following as a note under this rule:—

[NOTE.—When an officer proceeding to England is compelled to leave without a Last-pay certificate, the necessary document should be forwarded to the India Office at the earliest possible date through the Government of India, Madras or Bombay, as the case may be. If delayed beyond 15 days or the second mail after the officer's departure, it should be accompanied by an explanation as to the cause of delay.] (191) (Finance Department Order No. 2907, dated 2nd June 1887.)

case may be, until he submits to the Accountant General a certificate in Form ~~A, B, or C,~~ as the case may be, contained in Appendix D;—in the case of an officer of the Bengal Army, by the Secretary to the Government of India in the Military Department, and in the case of an officer of the Madras or Bombay Army, by the Adjutant General of the Army to which he belongs.

163. The following Rules are prescribed for the issue of Last-pay certificates to officers who proceed on leave out of India, other than on Privilege leave, and are entitled to allowances during the leave:—

1. The Accountant General who audits the pay of the officer will, as soon as the leave is gazetted or otherwise notified to him, send to the officer a letter in Form A, with enclosure in form B, in Appendix A, requiring him to call at his office or give the necessary information.

2. If the officer calls at the Accountant General's office, the Accountant General will pay him up to the day before he leaves India. The Accountant General will also—

(*a*) if the officer proceeds to Europe and intends to draw leave allowances at the Home treasury of the Government of India, give him a completed Last-pay certificate in Form C, Appendix A:

(*b*) if the officer proceeds to a Colony and intends to draw leave allowances there, a Last-pay certificate in Form D, Appendix A.

3. If the officer is unable to call at the Accountant General's Office, the Accountant General will prepare a Bill for the officer's allowances from the end of the month preceding that of his making over charge, to the day before he sails, and will (if the officer intends to draw leave allowances at the Home treasury of the Government of India or in a Colony) forward it with the certificate in Form C or D, as the case may be, to the Treasury Officer, for delivery to the officer according to the instructions in Form E.

4. With every such Last-pay certificate a blank Form F will be given, on which the officer proceeding on leave is to report to the Accountant General, from the first port at which the vessel touches, the day of his departure from India. When the Accountant General delivers, or receives from the Treasury Officer, report (Form G, Appendix A) that he has delivered a Last-pay certificate to the officer concerned, he will, if he is not the Accountant General at Bombay or Madras, and the certificate is in Form C, forward a duplicate of the certificate to the Comptroller General, for transmission to the India Office in London. In the case of Bombay or Madras, the Accountant General himself will forward a duplicate to the India Office.

5. An officer proceeding to Europe should present his Last-pay certificate at the India Office in London. When he returns to India, he should obtain a Last-pay certificate from the India Office.

6. If it becomes necessary to amend a Last-pay certificate in Form C, Appendix A, the amended certificate should not be forwarded to the officer, but to the Local Government, for transmission to the Secretary of State, with appropriate explanations, direct or through the usual channel.

[NOTE.—The Last-pay certificate is issued on the assumption of the correctness of the intended dates of making over charge and of leaving India. If these dates are changed, the required adjustment of allowances will be made when the officer returns to India, or, if necessary, sooner. No alteration may be made in the certificate as issued by the Accountant General unless there is time to send it to him for alteration.]

7. A Last-pay certificate in Form C, Appendix A,—the 11th and 13th columns, and the notes below it, being omitted,—is required in the case of an officer proceeding on leave out of India whose leave allowances payable in India are required to be paid in a circle of account other than that under which the officer's appointment is held. If change of treasury is at any subsequent time desired, a new Last-pay certificate in the same form must be issued by the Accountant General who last paid the allowances.

8. An officer proceeding to a Colony should submit his Last-pay certificate

(*a*) if he embarks at any port not in the Madras or Bombay Presidency...	To the Comptroller General at Calcutta;
(*b*) if he embarks at any port in the Madras or Bombay Presidency...	To the Accountant General at Madras or Bombay, as the case may be.

The Comptroller General or the Accountant General at Madras or Bombay, as the case may be, will retain the Last-pay certificate, and, in lieu thereof, issue a Warrant in Form H, Appendix A, upon the Colonial Authority concerned.

9. Every Warrant shall be issued in duplicate. The original, bearing the payee's signature, should be forwarded to the Colonial Authority concerned, and the duplicate should be made over to the payee. Each payment should be endorsed on the back of both the original and the duplicate Warrant, an acknowledgment of receipt of money being rendered by the payee. When no space for such entries remains, or when a Warrant is lost or destroyed, a fresh Warrant shall be issued by the officer who issued the original Warrant, on application being made through the Colonial disbursing officer.

10. Upon his return to India, an officer should deliver up his duplicate Warrant, which will serve the purpose of a Last-pay certificate.

11. In case an absentee desires transfer of payment of his leave allowance from one Colony to another, the Government of India will recognise the proceedings of the Colonial Authorities sanctioning such transfer, which should, however, be reported separately by the absentee to the Government of India and to the Under-Secretary of State for India.

12. The Accountants General, Madras and Bombay, will forward to the Comptroller General a Statement prepared for each of the quarters ending on the 31st March, 30th June, 30th September, and 31st December, showing the Warrants for leave allowances issued during the quarter. These quarterly statements, together with similar statements of Warrants issued by the Comptroller General himself, will be forwarded by the Comptroller General to the India Office. If any leave allowance is chargeable, either wholly or in part, to other than Indian Revenues, the proportion chargeable to each separate source should be shown in these quarterly statements.

13. Payments made in those Colonies which exchange Accounts Current with the Government of India will be adjusted through those Accounts Current. Payments made in other Colonies will be adjusted in the Accounts of the Home treasury of the Government of India.

164. The following Rules are prescribed for the issue of Last-pay certificates to officers who—

Case I—proceed on leave from one place in India to another.

Case II—proceed on duty from one Province or Circle of Account to another.

Case III—proceed on duty from one place to another in the same Province or Circle of Account.

CASE I.

Proceeding on leave to another place in India.

The officer should obtain a certificate in Form C, Appendix A, from the Accountant General of his Presidency or Province.

1. An officer on leave, who does not leave his district, does not require a Last-pay certificate: nor does an officer who leaves his district on leave in India without allowances.

2. If during leave the officer desires to change the treasury at which he receives payment of his allowances, he must obtain a new Last-pay certificate; and, when he returns from leave to duty, he must bring with him a Last-pay certificate.

CASE II.

Proceeding on duty to another Province.

The officer should obtain a certificate in Form I, Appendix A. If he be employed at the station of the Accountant General of his Presidency or Province, the certificate should be given by that officer. If he have to pass through that station on his way to his new Presidency or Province, the certificate should be given by the officer in charge of the treasury from which he last drew pay, and countersigned by the Accountant General. If he be not employed at, and have not to pass through, the Accountant General's station, the certificate should be given by the officer in charge of the treasury from which he last drew pay, and a duplicate of it should be forwarded by the Treasury Officer to the Accountant General, for countersignature and transmission to the Accountant General of the transferred officer's new Presidency or Province.

CASE III.

To another place in the same Province.

The officer should obtain a Last-pay certificate in Form I, Appendix A, from the officer in charge of the treasury from which he last drew pay.

CHAPTER XVI.

RETURN TO DUTY.

[This Chapter does not apply to Military Officers subject to Military Rules except in respect to leave of absence granted in the Civil Department.]

Overstaying leave.

165. An officer who remains absent after the end of his leave is entitled to no allowance for the period of such absence, and ceases to have a lien on any appointment,

if his leave was Furlough,—immediately; and

if it was Special or Privilege leave,—after a week.

Permission to return to duty

1. An Officer on Furlough or Special leave in Europe may not return to India without obtaining the permission of the Secretary of State. He must apply for this permission at least three months before the end of his leave. An officer whose Furlough was granted or has been extended on medical certificate is required to produce a certificate of fitness before he can be permitted to return to duty. Ordinarily, he must obtain this certificate from the Medical Board of the India Office; but, in special cases, particularly if the officer be residing at a distance of more than sixty miles from London, the Secretary of State will, at his discretion, accept a certificate from two medical practitioners in lieu thereof.

Compulsory retirement in England.

2. If a Local Government considers it inexpedient that an officer should return from Furlough or Special leave in Europe to duty in India, it should furnish a complete statement of the circumstances to the Secretary of State (in the case of the Government of Madras or Bombay, direct, or otherwise, through the Government of India), if possible, when the Furlough or Special leave is granted, but, in any case, in time to enable the Secretary of State to take any measures that may seem to him necessary before the officer would, in ordinary course, be permitted to return to duty. The report to the Secretary of State should reach the India Office, at latest, three months before the end of the officer's leave.

Notice of compulsory retirement

3. If a Local Government decides, before an officer whom it has the power to remove from the Service leaves India, that he shall not be permitted to return to duty in India, it should give notice to him before he leaves India, so that any remonstrance which he may wish to make, may be considered on the spot by an Authority fully cognisant of the facts of the case. Such notice should not be postponed until after the officer's departure and then communicated to him through the Secretary of State.

Notice of removal for ill-health.

4. If the question to be determined is the propriety of removing an officer for incapacity, whether mental or physical, which is of such a nature that it is not possible to say, before his departure, whether it will be permanent or temporary, the Local Government

Chapter XV.

Substitue the following for the Note at the beginning of this Chapter :—

[NOTE —" The Rules in this Chapter, with the exception of Rules 8 to 11 under Section 163, do not apply to officers employed in the Public Works Department."]—(97) (Finance Department No 2194, dated the 28th July 1885)

Section 165.

Add the following note to this Section :—

[NOTE.—But see the Exception under Section 71]—(14) (No 2208, dated the 18th December 1884.)

Insert the following Explanation under this Section :—

Explanation.—The provisions of this Section have no effect on the liability of an officer overstaying leave in regard to the forfeiture of past service, the rule as to which is contained in Section 100 (*b*) of the Civil Pension Code.—(177) (Finance Department Order No. 480, dated 1st February 1887)

should report the circumstances fully (in the case of the Government of Madras or Bombay, direct, otherwise through the Government of India) to the Secretary of State for India, in time to enable him to take any necessary measures before the officer would, in ordinary course, be permitted to return to duty. A communication of this nature should not be made direct to the officer concerned, but only to the Secretary of State.

[NOTE.—These Rules (2 to 4) must not be understood to authorise the grant of Furlough to an officer who ought to be dismissed or removed from the Service for misconduct or general incapacity.]

Abolition of appointment during leave out of India

5. In the same way the abolition of the appointment of an officer absent on leave out of India should be communicated to the Secretary of State as long as possible before the officer would, in ordinary course, be permitted to return to duty.

Report of return

6. A Gazetted Officer must report his return to duty to the Local Government under which he is employed. A Bengal Covenanted Civil Servant employed directly under the Government of India, returning from Furlough or Special leave, must also report his return to the Government of India in the Home Department.

7. An officer of the Indian Marine is, on the expiration of Furlough or leave in India, to rejoin the ship to which he belongs. Should this be impracticable owing to the movement of the vessel, and failing instructions, for which he should apply beforehand to the Director or Deputy Director, he will report himself at the Head-quarters (Bombay or Calcutta) nearest to the station at which his ship is employed, where, if he cannot join his ship, he will be attached to the receiving hulk.

8. An officer of the Indian Marine returning to India from Furlough or leave in England should rejoin the Head-quarters (Calcutta or Bombay) nearest to where his ship is employed. If his ship is employed at a distance from either of these ports, he will ordinarily report himself at Bombay, unless otherwise directed.

Return to duty more than 14 days before the end of Furlough.

9. An officer may not, without the permission of the Authority which granted him leave, return to duty more than fourteen days before the end of Furlough or Special leave.

[NOTE.—This Rule applies to a Military Officer subject to Military Rules; but he must obtain permission to return to duty from the Local Government.]

Exemption from loss of appointment, and grant of allowance during Subsidiary leave after absence without leave.

10. If the Local Government is satisfied that the default of an officer is due to circumstances beyond his control, it may exempt him from loss of appointment under this Section, but not from loss of allowances during the period of his absence without leave. The Local Government may authorise the payment to an Uncovenanted Officer of as much as it thinks fit of any allowances during Subsidiary leave under Section 64 (*a*) (2) to which he

would have been entitled if he had not remained absent after the end of his Furlough or Special leave.

Absence after end of leave is no interruption of Continuous Service in certain cases.

11. So long as an officer retains a lien under this Section, or if he is exempted under Rule 10 from loss of appointment, absence after the end of his leave, though not counting as Continuous Service, does not operate as an interruption of Continuous Service or Continuous Active Service.

Change of appointment during Furlough in India.

12. If the appointment of an officer is changed during Furlough or Special leave in India, he must join his new appointment within his leave. But the Local Government may allow him Joining Time, if he have not had sufficient notice of the change.

Salary from date of assumption of office.

13. An officer begins to draw pay and acting allowance from the day on which he assumes the office (substantive or officiating) to which he may have been appointed, or on which he may have a lien. But if his leave or Joining Time end on a Sunday or Authorised Holiday, and he take charge before noon on the first working day after such Sunday or Holiday, his assumption of office and the re-arrangement of appointments and allowances (if any) consequent thereon shall be held to have taken place on the day after that on which his leave ended: Provided that such re-arrangement (if any) does not involve the transfer of any officer to another station, the formal appointment of any officer to a new office, or the loss of his office by an officer appointed temporarily to the Public Service. But if the Local Government considers that the strict application of this Proviso would be inequitable, or if there is any doubt as to its application, the Local Government shall decide which officer shall be held to have been in charge, and to which the salary of the office for the Sunday or Holiday shall be paid.

Officer of Pilot or Light-vessel.

14. An officer or seaman serving on a Pilot or Light-vessel attached to the Port of Calcutta is considered to have returned to duty on the day on which he reports himself to the Port Officer.

Charge of office after noon.

15. If charge of an office is transferred after noon, the transfer does not affect allowances until the next day.

(b) *Insert the following opposite* "Customs" *after the words* "Deputy and Assistant Commissioners of Sea Customs":—

"Superintendent of the Customs Preventive Service, Calcutta, and of the Salt Golahs, Sulkea."—(120) (Finance Department Order No. 3910, dated the 6th November 1885.)

Schedule A.

Insert the following in the proper place in this Schedule :—

"Meteorological Department.—The Meteorological Reporter and the Assistant Meteorological Reporter to the Government of India."

(40) (*No. 1962, dated the 5th December 1884.*)

Schedule A.

(*See Section 1 (c).*)

By Section 1 (*c*) the Rules in Chapter V of the Civil Leave Code, and not those in Chapter X, apply (subject to specified restrictions in the case of particular Rules) to any one of the following officers who does not belong to the Covenanted Civil Service or the Army, provided that he was appointed to his office by the Secretary of State or with his particular sanction :—

GENERAL	Officers holding substantive appointments, such as are usually held by Covenanted Civil Servants or Military Officers.
LAND REVENUE	Officers of the Settlement Department above the rank of Deputy Collector or Extra Assistant Commissioner.
FOREST	Assistant Conservators and Officers of higher rank.
CUSTOMS	Commissioner, Deputy Commissioner, and Collectors of the Northern India Salt Revenue Department; Deputy and Assistant Commissioners of Sea Customs.
OPIUM	Sub-Deputy Opium Agents and Officers of higher rank.
POST OFFICE	Presidency Post Masters, Deputy Post Masters General, and Officers of higher rank.
TELEGRAPH	Assistant Superintendents and Officers of higher rank.
ADMINISTRATION	Assistant and Under-Secretaries to Government, Superintendent of Government Printing, Government Central Press, Calcutta.
SURVEY	Trigonometrical, Topographical and Revenue.—Assistant Superintendents of Survey and Officers of higher rank. Geological.—Officers on the Graded List.
FINANCIAL DEPARTMENT	Officers of the Sixth and higher classes.
INDIAN MUSEUM	Superintendent and Deputy Superintendent.
MINT	Assistant to the Mint Master, Bombay
JUDICIAL	Judges of the Chief Court of the Punjab (not being Barristers); Judges and Registrars of Presidency Small Cause Courts; Civil Judges in Oudh; Magistrates of Police in Presidency Towns; Registrars of High Courts.
REGISTRATION	Inspectors General of Registration.
POLICE	District Superintendents and Officers of higher rank.

Schedule A.

MARINE	. Port Officers, Deputy and Assistant Port Officers, and Officers of higher rank.
EDUCATIONAL DEPARTMENT .	. Officers on the Graded List.
MEDICAL	. Uncovenanted Medical Officers graded by the Notification in the Financial Department, No. 2295, dated 25th April 1867.
POLITICAL	. Assistant Political Agents.
PUBLIC WORKS	. Assistant Engineers of the third grade and Officers of higher rank; Assistant Examiners of Accounts and Officers of higher rank; Officers of the Superior Revenue Establishment of State Railways.

Schedule B.

Strike out the following names in this Schedule :—

Adamson, J.	Assistant Conservator of Forests, 1st grade.
Anderson, C. F.	Superintendent of Police, 5th grade, Central Provinces.
Anderson, J. G.	Deputy Commissioner, 2nd grade, Oudh.
Anley, A.	Superintendent of Police, 5th grade, Bengal.
Berrill, J. M.	Superintendent of Police, 4th grade, Central Provinces.
Bower, R.	Superintendent of Police, Ajmere.
Cairns, J. G.	Assistant Superintendent, Telegraph Department.
Campbell, J. A.	Assistant Engineer, 2nd grade, Public Works Department.
Cargill, D.	Officiating Superintendent of Police, Oudh.
Carnduff, D.	Inspector of Schools, Central Provinces.
Cole, Revd. J.	Principal, Lawrence Military Asylum, Sanawar.
Cooke, C. R.	Inspector of Schools, 3rd grade, Umballa, Punjab.
Davis, H. M.	Medical Officer, Pubna.
Dodsworth, G. W.	Executive Engineer, 4th grade, Public Works Department.
Dodsworth, R. S.	Assistant Conservator of Forests.
Duncan, R. B.	Deputy Controller of Public Works Accounts.
FitzJames, F.	Executive Engineer, 3rd grade, Public Works Department.
Fraser, L. V.	Assistant Superintendent, Telegraph Department.
Gray, C. J.	Assistant Examiner, Fund Accounts, Bengal.
Hough, A.	Assistant Commissioner, 2nd grade, British Burma.
James, W. E. A.	Assistant Superintendent, Revenue Survey, 3rd grade, Mysore.
Johnson, E. T. C.	Deputy Superintendent, Revenue Survey, 3rd grade.
Kirby, F.	Executive Engineer, 3rd grade, Public Works Department.
MacMillan, J.	Executive Engineer, 1st grade, Public Works Department.
Macpherson, J.	Assistant Conservator of Forests.
Marden, T.	Inspector of Schools, Madras.
Marrice, H. P.	Assistant Engineer, 2nd grade, Public Works Department, Bombay.
Marten, H.	Controller of Public Works Accounts, 1st Class.
Martin, T.	Executive Engineer, 1st grade, Public Works Department.
McCrindle, J. W., M.A.	Principal in the Patna College, Bengal.
O'Callaghan, I. E.	Deputy Conservator of Forests, 2nd grade.
O'Flaherty, J. J.	Assistant Engineer, 1st grade, Public Works Department.
Palmer, W.	Controller of Telegraph Accounts.
Patch, J.	Superintendent of Police, 5th grade, Bengal.
Probyn, Captain O.	Superintendent of Police, Bombay.
Puckle, F. C.	Deputy Superintendent of Revenue Survey, Madras.
Ricketts, L.	Judge, Small Cause Court, Mysore.
Ronaldson, H.	Assistant to the Accountant General, Bengal.
Russell, A. M.	Assistant Commissioner, 1st grade, and Settlement Officer, Central Provinces.
Slym, M. J.	Deputy Conservator of Forests, 2nd grade.
Thompson, E.	Principal, Presidency College, Madras.
Whitten, A. J.	Assistant Controller of Military Accounts.
Wilson, A. G.	Assistant Commissioner, 1st grade, Bengal.
Wood, W. C.	Assistant Commissioner, 1st grade, Oudh.
Woodhouse, R. W.	Executive Engineer, 1st grade, Public Works Department.
Young, R. J.	Superintendent of Police, 5th grade, North-Western Provinces.

Make the following alterations in the Schedule :—

Schedule B.

(See Section 1 (c))

NOMINAL ROLL OF UNCOVENANTED OFFICERS TO WHOM PERSONALLY, BY SPECIAL PERMISSION OF HER MAJESTY'S SECRETARY OF STATE, LEAVE OF ABSENCE MAY BE GRANTED UNDER THE RULES IN CHAPTER V OF THE CIVIL LEAVE CODE, SUBJECT TO CERTAIN SPECIFIED RESTRICTIONS, INSTEAD OF UNDER THE RULES IN CHAPTER X.

NAMES	DESIGNATION OF OFFICE HELD WHEN THE OFFICERS WERE RECOMMENDED FOR ADMISSION TO THE RULES OF THE CIVIL LEAVE CODE
A	
Adams, J.	Assistant Engineer, 2nd grade, P. W D, Bombay
~~Adamson, J~~	~~Assistant Conservator of Forests, 1st grade~~
Addis, H B	Assistant Engineer, 1st grade, P. W. D.
Allan, W G	Assistant Conservator of Forests
~~Anderson, G F~~	~~Superintendent of Police, 5th grade, Central Provinces~~
Anderson, J A	Assistant Engineer, 1st grade, P W D
~~Anderson, J G.~~	~~Deputy Commissioner, 2nd grade, Oudh.~~
~~Anley, A~~	~~Superintendent of Police, 5th grade, Bengal.~~
Anley, G A D	Executive Engineer, 2nd grade, P W. D
Armstrong, C M	Sub-Deputy Opium Agent, 3rd grade
B	
Bagshawe, C.	Assistant Conservator of Forests
Baker, E B	Superintendent of Police, 1st grade, Bengal
Baker J E	Medical Officer, Persian Telegraph Department
Bamber, H W J.	Superintendent of Police, Bengal
Barker, J	Assistant Superintendent, Revenue Survey, 2nd grade, Mysore
Barker, R A	Medical Officer, Beerbhoom
Barrett, E C.	Assistant Superintendent, Revenue Survey, 2nd grade
Barrett, H	Deputy Conservator of Forests, 2nd grade, in Canara, Bombay
Barrah, A H	Assistant Engineer, 1st grade, P W D
Bartlett, T W	Assistant Engineer, 1st grade, P W D
Barwise, J W.	Chief Inspector of Post Offices in British Burma
Bayley, R D	Executive Engineer, 3rd grade, P W D
Bayley, W G.	Assistant Controller of Public Works Accounts, 1st grade
Beaumont, W	Deputy Superintendent of Revenue Survey, Madras
Beckett, H B	Assistant Commissioner, 3rd grade, Punjab
Belchambers, R	Registrar, High Court, Calcutta.
Benson, C	Assistant Superintendent, Government Farms, Madras
Berrill, E	Superintendent of Police, 4th grade, N W P
~~Berrill, J M~~	~~Superintendent of Police, 4th grade, Central Provinces.~~
Betts, A S	Superintendent, Indo European Telegraph Department
Biddulph, T H S	Officiating Deputy Accountant General, Madras
Biggs, T H	Assistant to the Comptroller General
Billings, W A	Deputy Controller of Public Works Accounts
Bird, G R	Assistant Engineer, 1st grade, P W D
~~Bise, T. W.~~	~~Assistant Comptroller General~~
Blanford, H F.	Professor in the Presidency College, Bengal
Bissett, I	Superintendent, Telegraph Department
Blood, B W	Executive Engineer, 4th grade, P W D
Bolton, W H	Deputy Collector in Sind
Bowden, G.	Assistant Superintendent, Telegraph Department
~~Bower, R~~	~~Superintendent of Police, Ajmere.~~
Bardley, R	Assistant Engineer, 2nd grade, P W D
~~Braham, F. E.~~	~~Assistant Engineer, 3rd grade, P. W D.~~
Braidwood, J M.	Assistant Conservator of Forests
Brand, W H	Assistant Controller of Public Works Accounts, 2nd grade
Brereton, C	Assistant Engineer, 3rd grade, P W D, Bombay.
Brereton W	Assistant Conservator of Forests
Brockman, W D	Executive Engineer, 2nd grade, P W D
~~Browne, W. J~~	~~Assistant Superintendent, Telegraph Department.~~
Browning, C A R, *M A*	Director of Public Instruction, Oudh
Bruce, R J.	Assistant Commissioner, 2nd grade, Punjab
Buckle, H	Assistant Commissioner, 2nd grade, British Burma
Buckley, A S	Assistant Superintendent, Revenue Survey and Assessment, Guzerat
Butcher, E H	Assistant Superintendent, Revenue Survey, 2nd grade, Mysore
Butts, H H	Assistant Settlement Officer, 2nd grade, Oude.
Buyers. J W.	Executive Engineer, 3rd grade, P W D

Schedule B.

Names.	Designation of Office held when the Officers were recommended for admission to the Rules of the Civil Leave Code.
Buyers, W. S.	Executive Engineer, 2nd grade, P. W. D., Bombay.
Byrne, E. S.	Deputy Accountant General, Assam.

C

~~Calana, J. G.~~	~~Assistant Superintendent, Telegraph Department.~~
Campbell, A.	Executive Engineer, P. W. D.
Campbell, H. F.	Sub-Deputy Opium Agent, 5th grade.
~~Campbell, J. A.~~	~~Assistant Engineer, 2nd grade, P. W. D.~~
Campbell, A. C.	Officiating Deputy Commissioner, Goalpara.
Cardozo, H. O. C.	Deputy Superintendent of Revenue Survey, Madras.
Carew, G. O. B.	Dockmaster, Bombay.
~~Cargill, D.~~	~~Officiating Superintendent of Police, Oudh.~~
~~Carnduff, D.~~	~~Inspector of Schools, Central Provinces.~~
Carson, H.	Assistant Superintendent, Telegraph Department.
Carter, W. B.	Executive Engineer, 2nd grade, P. W. D.
Castle, C. T.	Superintendent of Police, 4th grade, Etawa, N.-W. P.
Chambers, C., *F.R.S.*	Superintendent, Government Observatory, Bombay.
Chapman, C.	Assistant Commissioner, Oudh.
Cherry, J. W.	Deputy Conservator of Forests, Madras.
Chisholm, J. W.	Inspector General of Registration, Central Provinces.
Christie, J. T.	District Superintendent of Police, 4th grade, Punjab.
Clark, F. B.	Assistant Superintendent, Revenue Survey, 3rd grade, Mysore.
Cleghorn, J. P.	Assistant Engineer, 3rd grade, P. W. D.
Cline, G. W.	Assistant to the Comptroller General.
Cloete, H. N. C.	Assistant Engineer, 1st grade, P. W. D., Bombay.
Cole, W. H., *M.A.*	Assistant Superintendent, Great Trigonometrical Survey, 1st Grade.
~~Cole, Rev. J.~~	~~Principal, Lawrence Military Asylum, Sanawar.~~
Condor, J.	Resident Engr. and Executive Engineer, 2nd grade, P. W. D., Bombay.
Constable, E. T.	Educational Inspector, 1st Circle, N.-W. P.
~~Cooke, C. R.~~	~~Inspector of Schools, 3rd grade, Umballa, Punjab.~~
Cooke, G. H.	Assistant Superintendent, Revenue Survey, 3rd grade.
Cooke, J. E.	Deputy Accountant General, Madras.
Cooke, S.	Professor, Civil Engineering College, Poona.
Cooke, T., *M.A.*	Principal of the Poona Civil Engineering College, Bombay.
Coombes, H. A.	Superintendent of Police, Seebsagar.
Cooper, C. P.	Senior Magistrate of Police, Bombay.
Cordner, R. A.	Executive Engineer, 4th grade, P. W. D.
Corke, W. G.	Protector of Emigrants, Bombay.
Cornish, W. H.	Superintendent of Police, 5th grade, Bengal.
Cotgrave, T. M.	Assistant Collector of Salt Revenue, Bombay.
Cotton, W. G. L.	Executive Engineer, 4th grade, P. W. D.
Cowie, H. G., *B.A.*	Assistant Accountant General, N.-W. P.
Cox, J. H. A.	Deputy Director of Revenue Settlement, Madras.
Cross, M.	Judge, Court of Small Causes, Combaconum.
Cumberlege, N. R.	Superintendent of Police, 2nd grade, Berars.

D

Daly, W. W.	Superintendent of Police, 4th grade, Bengal.
Dalzel, A.	Acting Superintendent of Police, and Bhil Agent, Rewa Kanta.
Dangerfield, H.	Executive Engineer, 4th grade, P. W. D.
Daniell, F. T. B.	Superintendent, 2nd grade, Persian Telegraph Department.
~~Darling, W. C.~~	~~Assistant Superintendent, Telegraph Department.~~
Davidson, B. H.	Superintendent of Police, British Burma.
Davidson, J. Y.	Assistant Engineer, 1st grade, P. W. D.
Davies, R.	Assistant Engineer, 1st grade, P. W. D., Bombay.
~~Davis, H. M.~~	~~Medical Officer, Pubna.~~
~~Davis, J. C.~~	~~Assistant Commissioner, 1st grade, British Burma.~~
Dease, P. P.	Assistant Engineer, 2nd grade, P. W. D.
Demarsac, F. R. Brown	Assistant Superintendent, Telegraph Department.
Deighton, K.	Principal of the Agra College, N.-W. P.
Dempster, J.	Assistant Engineer, 2nd grade, P. W. D.
Dick, R.	Professor in the Delhi Government College, Punjab.
Dickson, W. P.	Medical Officer and Superintendent, Central Jail, Rupar, Punjab.
Dillon, J.	Chief Inspector of Post Offices, Oudh.
Disney, H. K.	Asst. Supdt., Revenue Survey and Assessment, Poona and Nasik.
Dobbie, G.	Assistant Superintendent, Revenue Survey, 2nd grade, P. W. D.
Dodd, A. J.	Master Attendant of Moulmein.
~~Dodsworth, G. W.~~	~~Executive Engineer, 4th grade, P. W. D.~~
~~Dodsworth, B. S.~~	~~Assistant Conservator of Forests.~~
Doig, S.	Assistant Engineer, 1st grade, P. W. D., Bombay.
Donald, W.	Assistant to the Accountant General, Madras.
Douglas, E. R.	Chief Inspector of Post Offices, Central Provinces.
Douglas, G. C.	Deputy Conservator of Forests, Madras.
Drake, R.	Sub-Deputy Opium Agent, 4th grade.

Sheet N. by Crawford of Sheet.

(1) G. H. Goodrich - Dr C No 1666 of 23/11/39

Schedule B

Names.	Designation of Office held when the Officers were recommended for admission to the Rules of the Civil Leave Code
Drysdale, A T.	Assistant Conservator of Forests, 2nd grade
Drysdale, T.	Registrar, Court, Judicial Commissioner, Central Provinces.
Duff, J C	Superintendent of Police, 4th grade, Central Provinces.
Duffin, C	Assistant Superintendent, Telegraph Department
Duke, C J	Assistant Commissioner, 2nd grade, British Burma.
Dumayne, T. J.	Assistant Engineer, 3rd grade, P W. D
~~Duncan, R. B.~~	~~Deputy Controller of Public Works Accounts.~~
Duthie, J F.	Superintendent, Botanical Gardens, N.-W P.
Dyson, J	Judge, Small Cause Court, Oudh.

E

Elliott, C F	Assistant Conservator of Forests.
~~Ellis, J. W.~~	~~Medical Officer of Humeerpore.~~
Ellis, R H M.	Assistant Conservator of Forests
Evans, C T	Assistant Engineer, 1st grade, P. W. D

F

Faulkner, G W.	Assistant Engineer, 2nd grade, P W D
Fedden, F, *F G S.*	Assistant, 3rd grade, Geological Survey
Ferdinands, J B	Medical Officer in charge of the Civil Station, and Superintendent of the Jail, Bilaspur.
Ferguson, J	Civil Surgeon, Guzerat.
Fforde, A. B.	Assistant Superintendent, Revenue Survey, Poona and Nasik.
Field, G.	Sub-Deputy Opium Agent, 2nd grade
Filgate, T. M.	Inspector General of Registration, Bombay.
FitzGerald, G.	Deputy Accountant General, Bengal
~~FitzJames, F.~~	~~Executive Engineer, 3rd grade, P. W. D~~
Fleischer, M	Assistant Superintendent, Telegraph Department
Fletcher, W M	Assistant Superintendent, Revenue Survey, Poona and Nasik.
Foote, R. B, *F G S*	Assistant, 2nd grade, Geological Survey
Fordham, J. W.	Deputy Controller of Public Works Accounts.
Forrest, E.	Assistant Conservator of Forests
Fortey, H.	Inspector of Schools, Madras
Foster, C W. E.	Civil Surgeon, British Burma (Unattached).
Fowler, J T.	Inspector of Schools, Madras
Fox, C E	Master and Registrar in Equity, High Court, Bombay.
Foxton, W, *B A*	1st Class Deputy Collector in Sind
~~Fraser, L. V.~~	~~Assistant Superintendent, Telegraph Department.~~
Furnivall, W. C.	Superintending Engineer, 2nd grade, P. W D

G

Garbett, H	Executive Engineer, 1st grade, P W D
Garstin, N A	Superintendent of Police, 4th grade, Oudh
Garhwaite, L	Inspector of Schools, Madras
Gibson, H W	Assistant Commissioner, 1st grade, Oudh
Gibson, J R	Deputy Superintendent, Revenue Survey, Ratnagiri
Giles, A H	Superintendent of Police, 3rd grade, Bengal
Giles, R, *B.A.*	Supernumerary Deputy Collector in Sind
Glass, J. G H.	Executive Engineer, 4th grade, P W. D
Goad, H. B	Superintendent of Police, 4th grade, N.-W P
Godfrey, F E.	Assistant Controller of Public Works Accounts, 3rd grade.
Gomperz, H	Deputy Superintendent, Madras Survey.
Gordon, D C.	Deputy Controller of Public Works Accounts
Gough, G.	Assistant Superintendent, Telegraph Department
Gouldsbury, J. M. E.	Superintendent of Police, 5th grade, Bengal.
Gramatzki, E.	Assistant Engineer, 1st grade, P. W. D.
Grant, A. R.	Assistant Conservator of Forests.
Grant, J. G Garrow, *M D.*	Protector of Emigrants, Bengal
Grant, T. W.	Assistant Engineer, 2nd grade, P. W D.
~~Gray, G J.~~	~~Assistant Examiner, Fund Accounts, Bengal.~~
Greig, G.	Deputy Conservator of Forests, 2nd grade.
Griffiths, J	Artist, School of Arts, Bombay.
Griffiths, R T H.	Principal of the Benares College, N.-W P
Grimes, J	Assistant Engineer, 2nd grade, P W D, Madras
Grimes, H R.	Superintendent, Central Jail, Coimbatore.

H

Hacket, C A	Assistant, 3rd grade, Geological Survey
Hallum, E H	Engineer, 4th grade, P W D, Bombay
Hamilton, R E.	Assistant to the Accountant General, Bombay
Hamilton, R H.	Superintendent of Police, 5th grade, Central Provinces
Harrington, H B, *M A.*	Assistant Settlement Officer, 1st grade.

Schedule B.

Names.	Designation of Office held when the Officers were recommended for admission to the Rules of the Civil Leave Code.
Harris, T. D.	Executive Engineer, 4th grade, P. W. D., Madras.
Harrison, A. S.	Principal of Muir's College, Allahabad, N.-W P.
Harrison, W	Assistant Superintendent, Revenue Survey, Ratnagiri.
Hart, J. H. E.	Architectural Engineer and Surveyor, P. W. D, Bombay.
Hayne, W. C.	Deputy Conservator of Forests, Madras.
Hearn, E.	Assistant Superintendent, Revenue Survey and Assessment, Ratnagiri
Hennessey, J B N.	Deputy Superintendent, Great Trigonometrical Survey, 1st grade.
Hennessey, S. H.	Assistant Commissioner, 3rd grade, Central Provinces.
Henslowe, C. W. E.	Executive Engineer, 4th grade, P. W. D.
Henslowe, F B.	Executive Engineer, 4th grade, P. W D.
Herdon, J. H.	Superintendent of Police, 3rd grade, Punjab
Hervey, H. J. A.	Assistant Superintendent, Telegraph Department.
Hexton, W. S.	Assistant Conservator of Forests, 2nd grade, in Sind.
Hicks, F. C.	Assistant Conservator of Forests.
Higgins, J. J.	Superintendent of Police, 3rd grade, Central Provinces.
Higginson, F. W.	Civil Surgeon, Oudh.
Hill, S. A.	Professor of Physical Science, Muir Central College, Allahabad
Hill, T. C.	Assistant Superintendent, Telegraph Department.
Hobson, E A.	Assistant Superintendent of Police, Berars.
Hodson, R. G.	Inspector of Schools in the first Circle in Mysore
Hoeltzer, E.	Assistant Superintendent, Persian Telegraph Department.
Holmwood, F.	Assistant to the Political Agent, Zanzibar.
Home, A L.	Deputy Conservator of Forests, 3rd grade.
Horst, H.	Assistant Superintendent, 1st grade, Topographical Survey
~~Hough, A.~~	~~Assistant Commissioner, 2nd grade, British Burma.~~
Hughes, E W. M.	Assistant Engineer, 2nd grade, P. W D.
Hughes, T. W. H.	Assistant, 3rd grade, Geological Survey.
Hunt, E L	Assistant Engineer, 1st Grade, P. W D.
Hutchinson, C. W.	Post Master General, 2nd grade, N.-W. P.
Hutchinson, E.	Assistant Controller of Public Works Accounts, 3rd grade.
I	
Ireland, W. deCourcy	Deputy Commissioner, 3rd grade, British Burma
Irvine, R. H. G.	Superintendent of Police, Bengal.
Irwin, H.	Executive Engineer, 4th grade, P. W. D.
J	
Jackson, E. J.	Assistant Superintendent, Revenue Survey, 2nd grade.
Jacob, W.	Deputy Conservator of Forests, 2nd grade
~~James, W. E. A.~~	~~Assistant Superintendent, Revenue Survey, 3rd grade, Mysore.~~
James, T D.	Superintendent of Police, 5th grade, British Burma.
Jerdon, C. M.	Sub-Deputy Agent, 4th grade.
~~Johnson, E. T. C.~~	~~Deputy Superintendent, Revenue Survey, 3rd grade.~~
Johnson, H	Executive Engineer, 3rd grade, P. W D.
Johnson, W H.	Assistant Engineer, 1st grade, P. W. D.
Johnstone, F. J.	Executive Engineer, 1st grade, P. W D.
Jones, J. J.	Assistant Engineer, 1st grade, P W. D.
Jones, T.	5th Judge, Court of Small Causes, Calcutta.
K	
Keelan, E J.	Assistant Engineer, 1st grade, P. W D
Kellner, E. W.	Assistant to the Comptroller General.
Kibble, J.	Professor of English Literature, Benares College
Kidd, H A.	Medical Officer in charge of the Civil Station, Mandla.
Kiernander, C. R	Deputy Accountant General, Punjab
King, M.	Assistant Engineer, 1st grade, P. W. D.
King, W, Jr, *B.A.*	Assistant, 2nd grade, Deputy Supdt., Geological Survey, Madras
Kipling, J. L.	Principal, Mayo School of Art, Lahore
~~Kirby, F.~~	~~Executive Engineer, 3rd grade, P. W. D.~~
Kirk, J.	Consul-General, Zanzibar
Kirkham, T. B.	Professor, Elphinstone College, Bombay.
Knight, T	Executive Engineer, 3rd grade, P. W D.
Knowlys, H. B.	Assistant Commissioner, 2nd class, Berars
Knox, G.	Deputy Commissioner, 1st grade, Punjab
Knyvett, R.	Superintendent of Police, 4th grade, Futtehgarh, N.-W. P.
L	
Lackersteen, M. R.	Assistant Engineer, 1st grade, P. W. D.
Lambert, J.	Deputy Commissioner of Police, Calcutta and Suburbs.
Lambert, R. M.	3rd Class Deputy Collector in Sind.
Lane, J. M	Superintendent, Telegraph Department.
Laughlin, R C.	Assistant Superintendent, Telegraph Department.
Linke, J E. P.	Assistant Engineer, 2nd grade, P. W. D.

Schedule B.

Names.	Designation of Office held when the Officers were recommended for admission to the Rules of the Civil Leave Code.
Lincoln, F	Civil Judge, Lucknow
Livesay, C E	Assistant Engineer, 1st grade, P W. D.
Lloyd, R A	Educational Inspector, 2nd Circle, N -W P
Locke, H H	Principal of the School of Arts, Calcutta, Bengal
Lossack, Captain C W	Deputy Conservator of Forests
Low, G	Officiating Superintendent of Police, Oudh.
Ludlow, E	Assistant Conservator of Forests.
Lynch, S S.	Superintendent of the Jail at Alipore.

M

MacDonel, J. C	Assistant Conservator of Forests.
MacDowell,	Assistant Engineer, 1st grade, P W D
MacGeorge, H J.	Assistant Commissioner, 1st grade, Central Provinces
Macdonald, R. G	Controller of Public Works Accounts, 2nd class
Mackinnon, M C.	Assistant Engineer, 2nd grade, P W D
Macleod, D G.	First Judge, Court of Small Causes, British Burma
~~MacMillan, J~~	~~Executive Engineer, 1st grade, P. W. D.~~
Macnaghten, C.	Principal of the Rajkumar College, Kattywar.
~~Macpherson, I.~~	~~Assistant Conservator of Forests.~~
Macrae, J K	Deputy Commissioner, 4th grade, British Burma
Mallet, F R, *F G S*	Assistant, 2nd grade, Geological Survey
Man, E H	Assistant Superintendent, Port Blair
Mance, H C	Superintendent, Indo European Telegraph Department.
Mann, G	Deputy Conservator of Forests.
~~Marden, T~~	~~Inspector of Schools, Madras.~~
Marks, C B D	Assistant Superintendent, Telegraph Department
~~Marrice, H P~~	~~Assistant Engineer, 2nd grade, P. W. D., Bombay~~
Marriott, A B.	Superintendent of Police, 5th grade, Central Provinces.
~~Marten, H~~	~~Controller of Public Works Accounts, 1st class.~~
Martin, C A	Professor in the Krishnagur College, Bengal.
~~Martin, T., M. Inst. C E~~	~~Executive Engineer, 1st grade, P W. D.~~
Masters, J	Superintendent of Police, Bengal
Masters, W	Sub Deputy Opium Agent, Bengal
McAndrew, J	Superintendent of Police, 3rd grade, Punjab.
~~McCaudle, J. W., M. A.~~	~~Principal in the Patna College, Bengal.~~
McCuddon, E J	Assistant Engineer, 3rd grade, P. W D, Bombay
McKwen, R. S T.	Judge, Court of Small Causes, Calcutta
McGill, J	Assistant Superintendent, Great Trigonometrical Survey, 2nd grade.
McGrath, E R	Assistant Superintendent, Telegraph Department.
McLeod, R	Medical Officer, Gya.
McIleddie, G D	Civil Surgeon, Oudh.
Meiklejohn, G F.	Assistant Superintendent, Revenue Survey, 3rd grade, Mysore.
Meiklejohn, R M	Civil Surgeon, Muscat
Meredith, J	Medical Officer, Nowgong
Metcalfe, E P	Head Master, Provincial School, Rajahmundry.
Middleton, C J	Assistant Engineer, 2nd grade, P W. D
Midwinter, W C.	Assistant Commissioner, 4th grade, British Burma.
Miller, J A E	Secretary to Financial Commissioner, Punjab.
Milsom, B P	Assistant Engineer, 3rd grade, P W. D.
Minniken, G G	Assistant Conservator of Forests.
Moberly, G J	Superintendent, Telegraph Department.
Monk, H L	Executive Engineer, 4th grade, P W D.
Moore, G E	Executive Engineer, 4th grade, P W D
~~Morant, E. W. L.~~	~~Assistant Superintendent, Revenue Survey, Bombay.~~
Morgan, R W	Deputy Conservator of Forests, Coimbatore
Morland, H	Agent for Transports and Assistant Resident Transport Officer, Bombay.
Morrison, F	Assistant Controller of Public Works Accounts 1st grade.
Morse, F W	Assistant Engineer, P W D
Moss, T	Controller of Public Works Accounts, 2nd class.

N

Naylor, R D G	Assistant Superintendent, Telegraph Department
Nedham, W. A	Assistant Commissioner, 3rd grade, Central Provinces.
Nelson, R	Assistant Engineer, 2nd grade, P. W D
Nesfield, J C	Director of Public Instruction, Oudh
Nicholetts, H S	Assistant Commissioner, 3rd grade, Berars
Nordmann, R F	Executive Engineer, 4th grade, P W D., Madras.
Norfor, C H T	Assistant Engineer, 2nd grade, P. W. D, Madras.

O

O'Conor, J E	Assistant Secretary to the Government of India, Revenue Department.
~~O'Callaghan, J. E~~	~~Deputy Conservator of Forests, 2nd grade.~~
~~O'Flaherty, J. J~~	~~Assistant Engineer, 1st grade, P. W. D.~~

Schedule B.

Names.	Designation of Office held when the Officers were recommended for admission to the Rules of the Civil Leave Code.
Odling, T F.	Medical Officer, Persian Telegraph Department.
Orr, J. W.	Prothonotary, High Court, Bombay.
Osborne, H.	Sub-Deputy Opium Agent, 4th grade.

P

Palliser H. G.	Assistant Engineer, P. W. D.
Palmer, C. G.	Assistant Engineer, 1st grade, P. W. D.
Palmer, E. M.	Officiating Assistant Accountant General, Madras.
~~Palmer, W.~~	~~Controller of Telegraph Accounts.~~
Parker, G. G.	Superintendent of Police, 5th grade, N.-W. P.
Parker, W. H.	Executive Engineer, 1st grade, P. W. D.
Parry, R.	Professor in the Hooghly College, Bengal.
Parry, W. E.	Executive Engineer, 3rd grade, P. W. D.
Partridge, T. O.	Inspector of Immigrants, Upper Assam.
Patch, J.	Superintendent of Police, 5th grade, Bengal
~~Patch, J.~~	~~Superintendent of Police, Bengal.~~
Patten, F. A	Officer in the Telegraph Department.
Peacock, E B.	Assistant Commissioner, 3rd grade, Punjab.
Pearson, C.	Inspector of Schools, 2nd grade, Rawul Pindi, Punjab.
Peet, A. W.	Deputy Conservator of Forests, Wynaad.
Peppe, T. F.	Sub-Deputy Opium Agent, 2nd grade.
Pitt, R. B.	Assistant Superintendent, Revenue Survey, Hyderabad.
Ponsonby, C. J.	Officiating Deputy Conservator of Forests.
Possman, J.	Superintendent, Indo-European Telegraph Department.
Pratt, J F.	Sub-Deputy Opium Agent, Bareilly.
Pratt, W. D.	Superintendent of Police, 4th grade, Bengal
Preece, J. R.	Assistant Superintendent, Persian Telegraph Department.
Prescott, W. B.	First Class Assistant Settlement Officer, Guzerat.
Price, J. A.	Assistant Engineer, 2nd grade, P. W D
Price, W. S.	First Class Settlement Officer, Southern Maharatta Country
~~Probyn, Capt. O.~~	~~Superintendent of Police, Bombay.~~
~~Puckle, F. G.~~	~~Deputy Superintendent of Revenue Survey, Madras.~~

R

Reily, H. M.	Superintendent of Police, Bengal.
Rennie, W. C.	Executive Engineer, 3rd grade, P. W. D.
Reynolds, W. H.	Assistant Conservator of Forests.
Rice, B. L.	Director of Public Instruction, Mysore
Richards, V.	Civil Medical Officer of Balasore.
~~Ricketts, L.~~	~~Judge, Small Cause Court, Mysore.~~
Rigby, V.	Executive Engineer, 3rd grade, P. W. D.
Roberts, Leonard R.	Executive Engineer, P. W. D.
Roberts, P. B.	Assistant Engineer, 1st grade, P. W. D.
Robertson, W. R.	Superintendent, Government Farms, Madras.
Rogers, A. C.	Assistant Engineer, 3rd grade, P. W. D.
Rollo, J. T.	Assistant Engineer, 2nd grade, P. W. D.
~~Ronaldson, H.~~	~~Assistant to the Accountant General, Bengal.~~
Rose, F. E.	Assistant Engineer, 1st grade, P. W. D
Rowe, F, J., *M.A.*	Professor in the Hooghly College, Bengal.
Rundall, C.	Deputy Director of Revenue Settlement, Madras
Rundall, J. W.	Executive Engineer, 2nd grade, P. W. D., Madras
~~Russell, A. M.~~	~~Assistant Commr., 1st grade, and Settlement Officer, Central Provinces.~~
Russell, C. M.	Medical Officer, Sarun.
Ryan, P.	Assistant Secretary to the Government, Bombay.
Ryves, T. J.	Superintendent of Police, 3rd grade, N.-W. P.

S

Salmon, A. McD	Assistant Engineer, 2nd grade, P. W. D.
Sampson, A. B	Under-Secretary to the Government of India, P. W. D.
Scannell, H.	Superintendent of Police, Bombay.
Sconce, G. C.	Judge, Court of Small Causes, Calcutta.
Scott, J. W.	1st Class Assistant Settlement Officer, Poona and Nasik
Sealy, G. W.	Officer in the Telegraph Department.
Shakspeare, W.	Assistant Conservator of Forests.
Shaw, A. R.	Collector, 4th grade, Inland Customs.
Shuttleworth, A T.	Conservator of Forests, N D., Bombay.
Shuttleworth, E J	Superintendent of Police, Bengal.
Sibold, E. A	Executive Engineer, 4th grade, P. W. D.
Sime, J.	Principal of the Delhi College, Punjab.
Simpson, J T.	Assistant Engineer, 2nd grade, P. W. D.
Sims, R Prockter	Executive Engineer, P. W. D.
Slater, J. S.	Assistant Engineer, 2nd grade, P. W. D.
~~Slyn, M. J.~~	~~Deputy Conservator of Forests, 2nd grade~~
Smallman, H	Assistant Engineer, 2nd grade, P W. D.

Schedule B.

Insert the name of "Peterson, F. W.," Deputy Assay Master, Calcutta Mint, in its proper place in this Schedule.—(68) (Finance Department No 35, dated 3rd April 1885).

Schedule B.

Names.	Designation of Office held when the Officers were recommended for admission to the Rules of the Civil Leave Code.
Smith, H.	Officiating Superintendent of Police, Oudh.
Smith, S.	Police Surgeon, and Surgeon to the Coroner, Bombay.
Smith, S.	Superintendent of Police, 4th grade, N.-W. P.
Smith, T.	Superintendent of Police, 3rd grade, Punjab.
Souter, Sir F. H., Kt., C.S.I.	Commissioner of Police, Bombay.
Span, J. M.	Executive Engineer, 3rd grade, P. W. D.
Spencer, N.	Second Judge, Small Cause Court, Bombay.
Stack, O. S.	Superintendent of Police, 2nd grade, Bengal.
Stainforth, B.	Superintendent of Police, 5th grade, Oudh.
Steele, C. E. S.	Supernumerary Deputy Collector in Sind.
Stent, W. K.	Assistant Engineer, 2nd grade, P. W. D.
Sterndale, R. A.	Assistant to the Comptroller General.
Stoddard, A.	Executive Engineer, 3rd grade, P. W. D.
Storey, R. H.	Assistant-Commissioner, 3rd grade, N.-W. P.
Streetell, G. W.	Deputy Conservator of Forests, 2nd grade.
Stewart, C. A.	Post Master, Bombay.
Stuart, J. V.	Assistant Commissioner, N.-W. P.
Summers, H. H.	1st Class Assistant Settlement Officer, Guzerat.
Synnott, W.	Personal Assistant to the Commissioner of Inland Customs.
T	
Talbot, H. B.	Assistant Superintendent, Revenue Survey, 2nd grade.
Taylor, J.	Assistant to the Accountant General, Bengal.
Tawney, C. H., *M.A.*	Professor in the Presidency College, Bengal.
Thomas, G. E.	Assistant Engineer, 1st grade, P. W. D.
Thomas, W. P.	Assistant Conservator of Forests.
Thomas, W. C.	Superintendent of Police, 3rd grade, N.-W. P.
Thomson, A.	Senior Inspector of Schools, Oudh.
Thomson, D. W.	Inspector of Schools, 4th grade, Multan, Punjab.
Thomson, Dr. Murray	Professor, Thomason College at Roorkee.
~~Thompson, E.~~	~~Principal, Presidency College, Madras.~~
Thompson, R. H. E.	Deputy Conservator of Forests, 3rd grade.
Thyne, W. K.	Harbour Master, Aden.
Trotter, E. W.	Assistant Secretary to Government, Punjab.
Turnbull, W. S.	Assistant Superintendent, Revenue Survey, Bombay.
Tyler, J. W.	Superintendent of District and Central Jails, Meerut.
Tyndell, S. W.	2nd Class Deputy Collector in Sind
Tytler, A. G.	Sub-Deputy Opium Agent, 5th grade.
V	
Vertannes, J. C.	Executive Engineer, 1st grade, P. W. D.
W	
Waddington, R.	Superintendent of Police, 3rd grade, N.-W. P.
Wakefield, G. E.	Assistant Commissioner, 1st grade, Punjab.
Walch, G. T.	Executive Engineer, 3rd grade, P. W. D., Madras.
Walker, F. B.	Executive Engineer, 3rd grade, P. W. D.
Wallinger, W. H. A.	Deputy Conservator of Forests, Bombay.
Wallis, B. G.	Assistant Engineer, 2nd grade, P. W. D.
Wallis, E. F.	Assistant Superintendent, Telegraph Department.
Ward, W.	Superintendent of Police, 3rd grade, Punjab.
Warden, J. L.	3rd Judge of the Small Cause Court, Bombay.
Warden, Captain F.	Extra Assistant Master Attendant, Calcutta.
Warden, H. W.	Assistant Engineer, 2nd grade, P. W. D.
~~Warder, B.~~	~~Assistant Engineer, 3rd grade, P. W. D.~~
Watson, H. E.	2nd Class Deputy Collector in Sind.
Wells, W.	Assistant to the Accountant General, N.-W. P.
Whitcombe, J. C.	Assistant Superintendent, Revenue Survey, Poona and Nasik
White, H. F.	Executive Engineer, 2nd grade, P. W. D.
White, P. J.	Assistant Commissioner, 1st grade, N.-W. P.
~~Whitten, A. L.~~	~~Assistant Controller of Military Accounts, Bengal.~~
Whitten, R. J.	Collector, 3rd grade, Inland Customs.
Wickes, T. H.	Executive Engineer, 2nd grade. P. W. D.
Williams, J. W.	Superintendent of Police, 3rd grade, N.-W. P.
Williamson, J. F.	Assistant Engineer, 1st grade, P. W. D.
Willmot, R.	Medical charge of Rajpootana State Railway.
Willson, J., *B.A.*	Assistant, 3rd grade, Geological Survey.
~~Wilson, A. G.~~	~~Assistant Commissioner, 1st grade, Bengal.~~
Wilson, J. H.	Executive Engineer, 2nd grade, P. W. D.
Wingate, R. T.	1st Class Assistant Settlement Officer, Guzerat.
Wiseman, W.	Assistant Engineer, 1st grade, P. W. D.
Wood, E. S.	Conservator of Forests, 4th class.
~~Wood, W. C.~~	~~Assistant Commissioner, 1st grade, Oudh.~~
~~Woodhouse, R. W.~~	~~Executive Engineer, 1st grade, P. W. D.~~
Wood-Mason, J.	Assistant Curator, Indian Museum.

Schedule B.

Names.	Designation of Office held when the Officers were recommended for admission to the Rules of the Civil Leave Code.
Wooldrige, H. L.	Deputy Conservator of Forests, South Arcot
Wordsworth, W.	Principal of the Elphinstone College at Bombay
Wrt, F. W.	Superintendent of Police, 2nd grade, Berars
Wr, H. L.	Acting Deputy Commissioner of Customs and Opium, Bombay.
Wr, W. C.	Executive Engineer, 4th grade, P W D.
Wr, W. H.	Principal in Bareilly College, N.-W. P.

Y

Young, A. B.	Assistant Superintendent, Revenue Survey, Southern Mahratta Country.
~~Young, J. W.~~	~~Assistant Superintendent, Revenue Survey, Ratnagiri~~
~~Young, R. J.~~	~~Superintendent of Police, 5th grade, N. W. P.~~

(See Section 161 (a) (2).)

List of Colonial Treasurers, District Paymasters, and other Imperial Agents in the Colonies.

Station.	Designation of Agent.
Bahamas	The Acting District Paymaster.
Barbados (including British Guiana, Trinidad, &c.).	The District Paymaster.
Bermuda	The District Paymaster.
British Columbia	The Naval Store-keeper, Esquimalt Yard (British Columbia).
Canada, East, Montreal District. Canada, West, London and Ottawa Districts.	The District Paymaster, Halifax, Nova Scotia.
Canada, West, Hamilton District	The Staff Officer of Pensioners, Toronto, Canada, West, and the District Paymaster, Halifax, Nova Scotia.
Canada, West, Toronto District	The Staff Officer of Pensioners, Toronto.
Cape of Good Hope	The District Paymaster, Cape Town.
Ceylon	The District Paymaster.
Cyprus	The District Paymaster.
Falkland Islands	The Colonial Treasurer.
Fiji Islands	The Governor.
Fort Garry	The District Paymaster, Halifax, Nova Scotia.
Gambia	The Colonial Treasurer.
Gibraltar	The District Pasmaster.
Gold Coast	The Acting District Paymaster, Cape Coast Castle.
Honduras	The Acting District Paymaster.
Hong-Kong	The District Paymaster.
Jamaica	The District Paymaster.
Lagos (Africa)	The Colonial Treasurer.
Malta	The District Paymaster.
Mauritius	The Acting District Paymaster.
Natal	The District Paymaster, Pietermaritzburg.
New South Wales	The Colonial Treasurer, Sydney.
New Zealand	The Colonial Treasurer, Wellington.
Nova Scotia (including London, Montreal, Ottawa, and part of Hamilton Districts).	The District Paymaster, Halifax.
Queensland	The Colonial Treasurer, Brisbane.
Sierra Leone	The Acting District Paymaster.
South Australia	The Colonial Treasurer, Adelaide.
St Helena	The Acting District Paymaster.
Straits Settlements	The District Paymaster.
Tasmania	The Agent for Imperial Expenditure, Hobart.
Transvaal	The British Resident, Pretoria.
Vancouver's Island	The Naval Store-keeper, Esquimalt Yard (British Columbia).
Victoria	The Colonial Treasurer, Melbourne.
Western Australia	The Colonial Treasurer, Perth.

Schedule C.

(See Section 161 (a) (2).)

Officers who will pay Leave Allowances of officers residing in the following Colonies :—

Colony	Warrant to be addressed to
Fort Garry and Vancouver's Island	Agents, Hudson's Bay Company.
New Zealand	The Colonial Treasurer.
New South Wales	Ditto.
South Australia	Ditto.
Victoria	Ditto.
Queensland	Ditto.
Tasmania	The Agent for Imperial Expenditure.
Lagos	The Paymaster of Pensioners.
Gambia	The Staff Officer of Pensioners.
Hamilton, Canada, West	Ditto.
London, ditto	Ditto.
Montreal, Canada, East	Ditto.
Ottawa, Canada, West	Ditto.
Toronto, ditto	Ditto.
Fremantle, West Australia	Ditto.
Perth, ditto	Ditto.
Bahamas	The District Paymaster.
Bermuda	Ditto.
Cape of Good Hope, Cape Town	Ditto.
Ceylon	Ditto.
China · Hong-Kong	Ditto.
Gibraltar	Ditto.
Gold Coast : Cape Coast Castle	Ditto.
Honduras	Ditto.
Jamaica	Ditto.
Malta	Ditto.
Mauritius	Ditto.
Natal	Ditto.
Nova Scotia	Ditto.
Sierra Leone	Ditto.
St. Helena	Ditto.
Straits Settlements	Ditto.
Transvaal Pretoria	Ditto.
West Indies Barbadoes	Ditto.

APPENDIX A.

(*See Section 163, Rules 1, 2, 3, 4, 6, 7 & 8, and Section 164*)

FORMS FOR LAST-PAY CERTIFICATE.

In filling up these Forms—

(1) Except in the case of Chaplains, allowances should be stated in rupees a month, and not in pounds a year; and, in entering "the rate of absentee allowances," it should be stated, in the first place, without reference to the maximum or minimum applicable, and then, if a maximum or minimum applies, or if the allowance is such that a future change in the official rate of exchange may render a maximum or minimum applicable, the words should be added "subject to a maximum (or minimum) of, &c."

(2) The deductions to which the allowances of a Covenanted Civil Servant are subject while he is on leave on account of his annuity should invariably be stated in his Last-pay certificate.—(*See Section 26 of the Civil Pension Code.*)

(3) In forms C and D, the Presidency to which an officer belongs should be stated in the title, and the Presidency or Province in which he is employed should be stated under the first heading.

(4) In column 11 in forms C and D, the Section of Chapter IX of the Civil Leave Code, or of the Military Furlough Regulations under which the advance is made, should be mentioned.

(5) In form C it must be shewn whether an officer is entitled to the full amount of Furlough permitted by the Rules.

[NOTE.—See Note under Section 78, Civil Leave Code.]

(6) In the heading "Sources from which," &c., the term "Indian Revenues" should be used in all certificates intended to be sent to England, as the term "Imperial Revenues" has there a different signification. If the allowance is not chargeable finally to the Government of India, the Local Administration or Fund from which it is recoverable must be expressly stated.

(7) A copy of Section 165, Rule 6, and Section 79, Rule 20, should be given to an officer going on leave, and a copy of Section 78, Rule 1, and Section 165, Rule 1, to an officer going on leave to Europe. A copy of Section 165, Rule 9, should also be given to an officer proceeding on Furlough or Special leave.

(8) ~~The service and residence of a Chaplain proceeding on leave to Europe should be entered in a foot-note on his Last-pay certificate.~~

(9) The date on which any officer will, during the currency of leave, complete the term of service, or attain the age after which by any Rule he is required to retire from the service, should be shewn.

(10) The certificates of officers proceeding on leave to Europe shall be prepared—

1st, for officers in the employ of the Military Department—in Black Ink;

2nd, for officers in the employ of the Public Works Department—in Blue Ink;

3rd, for officers in the employ of the Civil Department—in Red Ink;

and it should be distinctly stated in the certificates whether the absentee allowance is chargeable to the Civil, the Military, or the Public Works Department.

[NOTE.—The object of the use of ink of different colours is to enable the Home Authorities to ascertain at once the Department to which the absentee allowance of an officer is to be charged.]

(11) Whenever a corrected Last-pay certificate, whether original or duplicate, is furnished, it should invariably be marked "Amended Certificate."

Appendix A.

Rule (8).

Substitute the following for this rule :—

(8) A certificate in Form B (1), Appendix A, of the Civil Pension Code, shewing the service and residence of a Chaplain proceeding on leave to Europe, should be attached to his last-pay certificate.—(229) (Financial Department Order No 1281, dated 7th March 1888.)

Appendix A.

Page 231.

Substitute the following for clause (13) of the Form of Last-Pay Certificate on this page :—

(13) The Secretary of State recovers subscriptions on account of the different Civil Funds from subscribers absent from India on leave who draw their leave allowances in England, who either are required by the rules of their Fund to pay their subscriptions in that country during leave, or elect to do so. Particulars of the Fund deductions to be made from the absentee allowances of officers on leave drawing their leave allowances in England should be noted on the last-pay certificates ; and where a subscriber elects to make payments of his subscriptions in India while on leave, or to postpone such payments until his return to India, the fact should also be noted on the last-pay certificate. The rules under which the deductions are made, and the method by which they are calculated in the cases of the different Funds, will be found in Appendix B (*a*) of the Civil Leave Code —(248) (Finance Department No 1911, dated 13th April 1888).

Appendix A.—Forms A & B.

(12) No entries in regard to arrears of Indian pay and allowances due to an officer proceeding on leave or on retirement to Europe should be made in his Last-pay certificate. Such allowances are not paid at the Home Treasury of the Government of India.

(13) The Secretary of State does not recover subscriptions for the Civil Funds. The Last-pay certificate should, therefore, contain no reference to such subscriptions.

Form A.

To _____

SIR,

With reference to the order noted in the margin, granting you leave out of India, I have the honor to say that it is necessary for you to obtain from me a Last-pay certificate, stating the circumstances of your leave.

(Here enter the No. and date of the order, name of Authority granting the leave, and page of the Gazette in which the leave is notified.)

2. * *If you are in, or intend to pass through (Accountant General's Station),** your certificate will be prepared, and your allowances up to the date before you leave India paid, on your calling personally at my office,* *and presenting a Last-pay certificate from the Treasury Officer of the District where you last drew your allowances.**

3. Otherwise, I shall cause the Last-pay certificate to be delivered to you, and the allowances to be paid through the Treasury Officer of your District; but to enable me to do so, it is necessary that you send me the information in the enclosed form, so as to reach me one clear week before you make over charge and can receive the certificate.

4. You are requested to note that the Subsidiary leave admissible to you is—

(*a*) If you are to embark at Bombay, . . days.
(*b*) If you are to embark at . . „

If you exceed this period without special order of Government, your leave to Europe dates from the day you give over charge.

Form B.

Information required by Accountant General before Last-pay Certificate can be drawn up.

1. On what date do you intend to make over charge of your office?
2. Before or after noon?
3. At what port do you intend to embark?
4. By what ship will you sail, and on what date?
5. At what Treasury do you wish to draw your leave allowances?
6. What advance, if any, do you require now?

(*Column 6 is for Military Officers subject to Military Rules, and for Chaplains, only.*)

(Signed)

(*Designation.*)

DATED AT

The *of* *188* .

TO THE ACCOUNTANT GENERAL OF

* Omit the italicised parts of paragraph 2 and the whole of paragraph 3 if the officer draws pay from Accountant General's Office direct.

Appendix A.—Forms C & D.

Form C.

LAST-PAY CERTIFICATE OF (*title and name*) OF THE (*Corps or Service*) PROCEEDING ON (*nature of leave*) TO EUROPE.

1. Government under which employed . . . . . 1.
2. Substantive appointment . . . . . 2.
3. Acting appointment, if any . . . . . 3.
4. Date of beginning and ending of any leave already taken, the nature of such leave, and the Rule under which it was taken . . . . . 4.
5. Section and clause of the Civil Leave Code under which the leave is granted . . . . . 5.

[NOTE.—*Distinguish Furlough granted on medical certificate from Furlough granted without medical certificate.*]

6. Period of leave . . . . . 6.
7. Date of commencement of leave . . . . . 7.
8. Monthly rate of absentee allowance . . . . . 8.
9. Place of payment . . . . . 9.
10. Date from which first payment is to be made . . . . . 10.
11. Amount, if any, paid in advance . . . . . 11.
12. Source from which absentee allowance is payable . . . 12.
13. Period for, and terms on which, leave may be extended or commuted otherwise than to Extraordinary leave . . . 13.

[NOTE.—See Note under Section 78, Civil Leave Code.]

(SIGNATURE.)

(*Place*) the (*date.*) *Accountant General.*

NOTES.—(1) When the leave cannot be extended or commuted, the fact should be stated. *In the case of an officer not being a Military Officer subject to Military Rules, note whether he is entitled to the full amount of Furlough permitted by the Rules.*

(2) The date to which recovery has been made in India on account of payments made from the Home Treasury of the Government of India for the Family allotments of an Uncovenanted Officer should be entered in the certificate of such an officer proceeding on leave to Europe.

Form D.

LAST-PAY CERTIFICATE OF (*title and name*) OF THE (*service*) PROCEEDING ON (*nature of leave*) TO THE COLONY OF (*place*).

1. Government under which employed . . . . . 1.
2. Substantive appointment . . . . . 2.
3. Acting appointment, if any . . . . . 3.
4. Date of beginning and ending of any leave already taken, the nature of such leave, and the Rule under which it was taken 4.
5. Section and clause of the Civil Leave Code under which the leave is granted . . . . . 5.

NOTE.—*Distinguish Furlough granted under medical certificate from Furlough granted without medical certificate.*]

Forms C & D.

Case 1 upon 8 of these forms the words "subject to deductions" respectively begin in the case of Case Cin's Income or such the following is the margin of the forms applied upon 8:-

Accounts Fund deductions		. . . . .
Cin's Fund subscriptions	Mamma for wife	. . . . .
	" Bro	. . . . .
	" daughter	. . . . .
	Total	. . . .

Subscriptions & the Income Cin's Income Family Pension Fund	For self	. . . . .
	" Bro	. . . . .
	" daughter	. . . . .
	Total	. . .

Appendix A—Forms E, F, G, & H.

6. Period of leave . . . . . 6.
7 Date of commencement of leave . . . . . 7.
8. Monthly rate of absentee allowance . . . . . 8.
9. Place of payment . . . . . 9.
10. Date from which first payment is to be made . . . . 10.
11. Amount, if any, paid in advance . . . . . 11.
12. Source from which absentee allowance is payable . . . 12.

(SIGNATURE.)

(*Place*) the (*date*).

Accountant General.

Form E.

TO TREASURY OFFICER OF——————————

SIR,

I have the honor to enclose the following documents :—

(1) A bill for Rs.————, being the allowances of Mr —— proceeding on leave out of India, up to the date before he leaves India. This you are to deliver to him on his giving you a certificate of his having made over charge of his office, and, after he has signed it, to pay.

(2) Mr.——————'s Last-pay certificate, which you should give him when you pay his bill.

(3) A blank form (Form F) of report of date of leaving India, to be delivered along with the Last-pay certificate.

(4) A form (G) of report of your having carried out these instructions, which you will send to me.

Form F.

FROM

TO ACCOUNTANT GENERAL OF——————————

SIR,

I have the honor to report that I sailed from India by the steamer "————", which left————on————day the——of————188 .

I have, &c.,

(Signed)

Form G.

FROM THE TREASURY OFFICER OF——————————

TO THE ACCOUNTANT GENERAL,——————————

SIR,

With reference to your letter No————dated————I have the honor to report that the bill for Rs.————therein enclosed was delivered to Mr.———— ————on his giving me a certificate of having made over charge of his office; and, further, that the bill having been paid Mr.——————'s Last-pay certificate was delivered to him, together with a blank form (F) of report of date of leaving India.

I have, &c.

(*Place*) the (*date*).

Form H.

(OBVERSE.)

WARRANT NO.————OF 18 .

A. B. having been granted———————— for a period of (*x*) months under the orders of the Government of————is hereby

Appendix A.—Form I.

allowed the privilege of drawing his leave allowance (*y*) from———— during the above-mentioned period, commencing from————, at the rate of exchange fixed yearly by the Right Honourable the Secretary of State for India for the adjustment of transactions between the Imperial and Indian Governments.

Leave allowance (*y*) equivalent at present rate of (*z*) per rupee to £ (*yy*) a month.

To be paid quarterly.

Signature of A. B. to be entered in the original only.

DATED AT

The————*188* . *Accountant General.*

(REVERSE.)

Name, rank, and description of Payee.	Period for which payment is made.	Monthly rate.			Amount.			Signature of Paying Officer.
		£	*s.*	*d.*				

Any re-adjustment of leave allowances necessitated by difference in the rate of exchange during the period of absence, will be made on the first issue of pay after return to India.

This certificate will be returned by A. B., and will be given up to the Account Office in India on his return to India. Each payment will be recorded on the reverse, certified by the Paying Officer, and receipted by A. B.

Form I.

(OBVERSE.)

No.

Last-pay certificate of A. B. of the———— ————proceeding to———— to join the appointment of———— to officiate as———— ————on duty———— He has drawn pay as———— ————at the rate of Rs.———— a month, and acting allowance as————at the rate of Rs.————a month, less the deductions shown below, up to the————. He made over charge of the Office of————on the————noon of the————of————

No recoveries (or, the recoveries noted on the reverse) are to be made from the pay of this officer.

Deductions: Rs. A. P.

DATED AT

The————*188*

Accountant General.

Note: The actual net amount of the allowance payable is to be shown here - e.g., in the case of Co. Civil Servants after Civil Community or Civil Fund deductions -

Appendix B.

(REVERSE.)

Details of recoveries.

Nature of recovery———————————————————————

———————————————————————

———————————————————————

Amount Rs.———————————.

How to be recovered (in one sum,
or in what instalments)———————————————

APPENDIX B.

(See Foot-note on page 10.)

Rules on the subject of the mode of Payment of Leave Allowances to members of the Public Works Department during absence on leave in India.

I.—The allowances of an Officer or Subordinate of the Public Works Department who is absent on leave in India, and who is entitled to draw allowances during such absence, should be included monthly, as they become due, in the salary bill of the Division or Office to which he is attached, and submitted for audit to the Examiner. The allowances, if admissible, should be audited by the latter Officer provisionally, subject to receiving an assurance that the officer is alive.

II.—If the absentee is attached to a Division, the Executive Engineer of this Division, on receipt of the audited bill, should either remit the amount by a Remittance Transfer Receipt, on receipt of a Life certificate, or request the Executive Engineer at the Station at or nearest which the absentee resides during his leave, to pay the allowances to the absentee on his appearing in person to receive payment, or on his furnishing a Life certificate by a Covenanted Civil Servant, a Magistrate, a Notary, a Banker, a Military Officer, a Chaplain, an Officer of the Engineer Establishment of the Public Works Department, or any other Officer of the Department holding an analogous position. If the amount exceeds Rs. 500, and has to be paid in another Province or Branch of the Department, the requisition for payment should be sanctioned by the Superintending Engineer of the Circle, in accordance with the orders contained in Public Works Department Circular No. 63, dated 21st December 1872.

III.—The Executive Engineer who complies with the requisition should send the Executive Engineer of the Division to which the absentee belongs an advice of transfer of the payment, accompanied by the necessary Life certificate or statement of the absentee having appeared in person for the payment.

IV.—If the absentee is attached to an Office, the Head of the Office should request the Executive Engineer by whom the bills of the Office are paid, to arrange for the payment of the absentee's leave allowances, and the procedure indicated in the preceding Rules will then be gone through.—*Circulars of the Public Works Department, Government of India, Nos. 58, dated 10th October 1873, and 61, dated 12th August 1879; and Circular of the Accountant General, Public Works Department, No. 81, dated 23rd December 1876.*

[NOTE.—If a Life certificate cannot be furnished, a bond executed by a recognised Bank or Agency firm may be accepted.]—*Circular of the Public Works Department, Government of India, No. 32, dated 2nd June 1874.*

(a)

APPENDIX C.

(*See Section 1 (l).*)

1.

MILITARY FURLOUGH RULES, 1868.

General Order, Military Department, No. 171 of 1874, dated the 25th February.

The Furlough Rules of 1868, as revised by various subsequent decisions, are republished for general information; and, in future, this General Order shall ordinarily be referred to in any matter depending on those Rules. The Rules previously in force will be designated, as heretofore, the Furlough Rules of 1796 and 1854.

The following G. G. O.s are cancelled prospectively from the 1st January 1875:—

G. G. O. No. 630 of 1869 (1st clause).
G. G. O. No. 627 of 1870.
G. G. O. No. 613 of 1871.

[* NOTE.—The advantages granted by the Furlough Rules of 1854 to Officers who obtained Furlough on Medical Certificate are not applicable to any Officers of the British Service whose Regiments, Battalions, Brigades, or Batteries arrived in India after the date of the Passage Warrant of 1865, and neither those Rules nor the Furlough Rules of 1868 are, *as respects Furlough on Private Affairs*, applicable to British Officers serving with their Regiments or employed with a five years' tenure in staff situations (see paragraph 4).

But Officers of the late Indian Army who hold permanent appointments under the Government of India, and who have elected to abide by the Furlough Rules of 1854, in preference to those of 1868, of course retain their election.]

Rules apply to officers of Staff Corps and Indian Army.

2. These Rules are applicable to all Officers who, on the 1st July 1868, belonged to the several Indian Staff Corps, or to the Indian Army, and who have elected, or may elect, to adopt them: Officers of the British Army who entered the Staff Corps after that date are of course subject to them.

Also to officers of R. A. and R. E, late of Indian Army, when holding permanent non-regimental appointments

In regard to the periods of Leave of Absence during which appointments may be held, and in regard to the increased allowances, they are also applicable to Officers of the Royal Artillery and Royal Engineers, late of the Indian Army, holding permanent staff appointments not of a regimental nature, and to such Officers of the Engineers of the Imperial Establishment as may be permanently employed on the staff in India.

But should an Officer of the British Service, holding such permanent staff appointment, be allowed to proceed on leave under circumstances which, by these rules, would involve loss of appointment, he cannot take leave under them, but simply as a British Officer holding no appointment.

Do not apply to Invalid Officers.

3. These Rules are not applicable to Officers on the Invalid or Invalid Pension Establishment, even if, previous to their transfer, they should have elected them, being intended solely for Officers on the Effective List.

Nor to Regimental Officers of the British Service even though formerly of Indian Army

They are not applicable to Regimental Officers generally of the British Service, whether formerly belonging to the Indian Army and now in the Royal Artillery, Royal Engineers, and new Line Regiments, or on the old Line Establishment: nor are they applicable to Officers of the British Army holding staff appointments the tenure of which is limited to

* Added by G. G O No 585, dated 5th June 1874, paragraph 1.

Appendix C 1.—Military Furlough Rules of 1868.

five years, except in the sense in which the Rules of 1854 were made applicable, *viz.*, as regulating the amount of Absentee Allowance to be granted to such Officers holding staff appointments when they are absent on Furlough on Medical Certificate.

Only partially to Officers of the British Service, holding 5-year appointments.

Officers of the British Medical Staff are not entitled to this advantage.

Do not apply to Officers of the British Medical Staff.

5. They are applicable to Officers of the Royal Engineers on the Imperial Establishment, who are employed in the Public Works Department, or who are receiving a staff salary as on the fixed establishment of the Sappers and Miners, these will count service towards Furlough from the date of their arrival in India.

Apply to R. E Officers of the Imperial List holding permanent non-regimental staff appointments.

* These Officers, therefore, and other Royal Engineer Officers of the Imperial List on permanent staff employ under the Government will be entitled to a Furlough of two years after eight years' service in India, or at the expiration of one year from the date of their return (for a second tour of service in India), on the completion of the prescribed home service after the first period of seven years' service in India.

Such Officers† will be allowed an advance of passage money, or free passage in a Troop-ship if proceeding in the trooping season; the advance to be refunded on receipt of the balance of Furlough Pay. The English rate of pay of their rank only will be passed to them during their leave; but at its conclusion, on their presenting an order for them to return to India, the difference between that rate and Furlough Pay, less the Passage Money they have received, will be paid to them in England, conditionally on its refund if the order to return to India is not carried out

Pay allowed them during furlough.

‡ Those Royal Engineer Officers who arrived in India before the 1st July 1872, are, however, not subject to the provisions of the preceding clause as long as they do not exchange Indian for Home Service, but draw Furlough Pay during Furlough as others.

Royal Engineer Officers on the Imperial Establishment, who are merely doing duty with, or attached to, the Sappers and Miners, but not on the fixed establishment and drawing staff salary, will, in regard to these Rules, be on the footing of Regimental Officers of the British Service: see preceding paragraph. If, however, they afterwards accept staff employ, they also will count their service for Furlough from date of arrival in India.

Rules apply to R E. Officers of the Imperial List on the *fixed staff establishments* of Sappers and Miners

§ An Officer of the British Service holding permanent staff employ under the Government, who may proceed on Furlough under circumstances which involve the forfeiture of his appointment, must obtain the Furlough as a British Regimental Officer, and it will reckon as a portion of the aggregate eight years of Furlough on pay to which an Officer is restricted during his service by Rule XVI. But, on again becoming permanently employed, he resumes the right of obtaining Furlough under these Rules.

A British Officer vacating appointment becomes, on re-employment, again eligible to these rules.

6. Officers of British Regiments who may join the Staff Corps, can count as service towards Furlough all their military service in India, provided that half of it (in no case less than four years) shall have been passed in the Staff Corps. But any leave to England they may have taken during service so counted will be reckoned as Furlough already taken. Officers of the British Service who formerly belonged to the Indian Armies are exempted from the above proviso.

Previous service of Officers of the British Service who join Staff Corps how reckoned towards furlough.

* Original rule modified by G G O No 585, dated 5th June 1874, paragraph 2.
† Added by G G O No. 585, dated 5th June 1874, paragraph 3
‡ Original rule modified by G. G O No. 585, dated 5th June 1874, paragraph 2.
§ Original rule modified by G. G. O. No. 585, dated 5th June 1874, paragraph 2

Appendix C 1.—Military Furlough Rules of 1868

Rules apply to Warrant Officers with Honorary Commissions.

Their pay.

Warrant Officers without Commissions can take furlough on medical certificate only under these rules.

7. These Rules apply also to all Warrant Officers holding Veteran or Honorary Commissions who may elect them, the period of service qualifying for Furlough being calculated from the date of the attainment of a Commission. They will receive during Furlough half their total receipts, calculated as laid down in Rule V, but without any reference to a minimum or maximum rate. Warrant Officers not holding Commissions can obtain Furlough under these Rules only on Medical Certificate.

Such Furlough may be for two years with retention of appointment and half of the aggregate allowances; but any extension of such leave (which will not be granted for more than one year in excess of the two years), or any leave taken within less than three years from the date of last return to duty, will be on "English Furlough Pay." [See Note to paragraph 9.]

Warrant Officers who were so before 19th February 1869 to elect on first applying for leave.

8. Every Warrant Officer who attained Warrant Rank before the 19th February 1869, and who has not made his election, will be required, on the first occasion of his applying for leave out of India, to state whether he desires to take the leave under these Rules, or under those previously in force applicable to Warrant Officers, *viz.*, G. G. O. Nos 518 and 531 of 1854, G. G. O. No. 1559 of 1857, and subsequent orders. That election will be considered final.

Those who became Warrant Officers after 19th February 1869 are subject to these Rules, and cannot elect any of the previous Rules.

Leave on Medical Certificate on Indian pay and allowances to places eastward of the Cape, as allowed to Commissioned Officers under the Furlough Rules of 1796, is not in any case admissible to a Warrant Officer.

Rules apply to Medical as to other Warrant Officers.

These Rules respecting Warrant Officers apply to Honorary Assistant Surgeons and Warrant Officers in the Medical Department.

Meaning of "Furlough Pay" and "English Furlough Pay."

9. The term "Furlough Pay" having now a changed and two-fold signification, in all future orders and references, "Furlough Pay" will be understood as the half Indian salary within the prescribed limits specified in paragraph V of these Rules, converted at the rate of exchange fixed by the Secretary of State for the official year,* whilst "English Furlough Pay" will represent the rates heretofore allowed to the several grades as English Pay under the Rules of 1796 and 1854.

"English Furlough Pay" of Warrant Officers.

[NOTE.—Where, in these Rules, English Furlough Pay is mentioned as that to which an Officer is to be restricted, the rates laid down in paragraph 11 of G. G. O. No. 69, dated 22nd January 1868, and (for Medical Warrant Officers) paragraph 22 of G. G. O. No. 550 of 1868, are to be understood as intended in the case of Warrant Officers.]

RULES.

Assimilation of allowances on furlough on private affairs and medical certificate.

I.—The distinction, with respect to allowances, which has been hitherto drawn between Furlough on Private Affairs and Sick Leave is abolished, both kinds of leave being included under the general term *Furlough*, provision, however, being made for the obtainment of Furlough under Medical Certificate without all the restrictions applicable to Furlough when taken without Medical Certificate.

* Under the authority of the Right Honourable the Secretary of State for India, it is hereby notified that the Furlough Pay of all Officers who elected the Furlough Rules of 1868 before the 1st July 1871 will, for the future, be issued at the rate of exchange of two shillings the rupee

2 This order does not apply to officers who were admitted to the Staff Corps on and after the 1st July 1868.—*G. G. O. by the Military Department, No. 991, dated 22nd September 1876*

Appendix C 1.—Military Furlough Rules of 1868.

II.—Leave taken under the Rules now prescribed will not involve forfeiture of appointment, except in the cases herein specially provided for.

Certain officers retain appointments during all leave duly granted.

Officers of the Staff Corps and local Indian Service, and Officers on the General List, can retain their appointments during *all* leave of absence granted by competent authority.* But their pay during such absence will be the same as they would obtain under these Rules, had this exemption from forfeiture of appointment not been granted.

Absence from India for more than five years bars return to duty as formerly.

III.—The Rules now prescribed do not affect the provisions of Act XXXIII of George III, Chapter 52, Section 70; † but an absentee cannot retain his appointment and draw absentee allowances, except under the Rules now prescribed. Nor do they affect the regulations by which General Officers Commanding Divisions and Brigades can only obtain limited periods of leave without forfeiting their commands.

IV.—Leave of absence will in future be of three kinds, *viz.*,—

I.—Furlough in or out of India.

II.—General leave on Private Affairs, or Sick Certificate in India, or Short Leave to Sea.

III.—Privilege Leave.

[Doubts having been expressed on the point, the Right Honourable the Governor General in Council is pleased to notify, under instructions from Her Majesty's Government, and in continuation of G. G. O. No. 1160, dated 11th November 1873, that neither the Indian Furlough Rules of 1868 nor those of 1854, are, *as respects Leave on Private Affairs*, applicable to British Officers serving with their Regiments or employed with a five-years' tenure in staff situations. Any leave on this account which may be granted to them by the authority under whom they may be serving, must be taken under the Rules of the British Service, and, therefore, whilst borne on the Indian Establishment, they will receive the British pay of their rank, and that only.

2. This ruling does not apply to Officers of Royal Engineers permanently employed in Departmental service, or to other British Officers who may be permanently employed under the Government of India; these are eligible for all the advantages of the Indian Furlough Rules so long as they retain their appointments.—(*G. G. O. of the Military Department, No.* 497, *dated* 13*th May* 1874.)]

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* The following Despatch from the Secretary of State was published under Military Department's General Order No. 1174, dated 24th November 1875:—

No. 249, Military, dated 14th October 1875.

Major-General * * of the Royal (Bengal) Engineers, now on Furlough for two years, has raised the question whether, in the event of his obtaining an extension of such Furlough, he will be entitled to retain his appointment in the Public Works Department; and I have to inform you that, with reference to this application, I have decided that the Rule under which Officers of the Staff Corps and Local Service retain their appointments during all authorised leave shall be made applicable to all Military and Medical Officers taking leave under the Rules of 1868.

† The Section referred to is quoted below.—

Section 70.—"And be it further enacted that no person who shall have held any civil or military station whatever in *India*, in the service of the said United Company, being under the rank or degree of a Member of Council or Commander-in-Chief of the Forces, and who, having departed from *India* by leave of the Governor General in Council, shall not return to *India* within the space of five years next after such departure, shall be entitled to any rank or restoration of office, or be capable of again serving in *India*, either in the *European* or Native Corps of Troops, or in the civil line of the Company's Service; unless, in the case of any Civil Servant of the Company, it shall be proved to the satisfaction of the Court of Directors that such absence was occasioned by sickness or infirmity, or unless such person be permitted to return with his rank to *India* by a vote or resolution passed by way of ballot by three parts in four of the proprietors assembled in General Court, specially convened for that purpose, whereof eight days' previous notice of the time and purpose of such meeting shall be given in *The London Gazette;* or unless, in the case of any Military Officer, it shall be proved to the satisfaction of the said Court of Directors and the Board of Commissioners for the affairs of *India*, that such absence was occasioned by sickness or infirmity, or some inevitable accident."

Appendix C 1.—Military Furlough Rules of 1868.

CHAPTER I.

FURLOUGH.

Furlough pay how reckoned.

V.—An Officer drawing Staff Pay, in addition to Pay of Rank, proceeding on Furlough will be allowed pay at the rate of 50 per cent. of the salary of his substantive office.*

† But an Officer in Civil Employ and drawing consolidated salary, will be allowed 50 per cent. of the average salary drawn by him during the three years prior to his proceeding on Furlough, or during his actual service in India, should that be less than three years; and the time spent, and the allowances drawn, during any Leave "other than Privilege Leave" will be omitted in the calculation of Average Salary.

No Absentee shall in either case draw more than £1,000, or less than £250 per annum.

Meaning of term "Salary."

The term "Salary" will signify the total amount drawn by an Officer, whether as consolidated pay or staff allowances in addition to pay, but will not include any extra or special allowances. But in the case of a Military Officer in Civil Employ, his acting allowances shall be taken into account as a part of his salary in calculating his Furlough Pay.

Pay of officers transferred to other appointments during furlough.

§ 2. An Officer absent on Furlough, who may be transferred to another office during his absence, shall be entitled, for the entire period of his Furlough, to Furlough Pay at the rate sanctioned to him when leaving India, whatever the salary of the office to which he may be transferred may be. This Furlough Pay will be continued to an Officer in Military Employ after his return to India, and until he joins his appointment, provided it is not less than the Military Pay, or pay and allowances, of his rank.

Pay when the appointment lapses or is vacated during furlough

But an Officer whose term of office shall lapse, who shall vacate his appointment, or whose appointment shall be abolished during his Furlough, will revert at once to the Furlough Pay which he would draw in virtue of his rank as laid down below, in § 4. Any case of sudden abolition of appointment may, however, be specially considered in the department of the Government under which the Officer may have been employed. An Officer will also be entitled to the benefit of his promotion to a higher Staff Corps or Regimental Rank whilst on Furlough, subject to the maximum limit.

Pay of officers promoted during furlough.

Regimental medical charges retained during furlough.

§ 3. Officers holding Regimental Medical Charges will be allowed to retain such charges during the authorized periods of Furlough as if they were Medical Staff Appointments. And the difference between the Unemployed‡ Grade pay of the Officer holding the substantive charge and the consolidated salary of the charge will be considered the staff salary divisible between the Absentee and the Officer officiating for him.

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* For the purpose of this Rule, the temporary promotion from one grade to another of an Officer of the Royal Engineers employed in the Public Works Department is an acting appointment, and the grade to which the Officer is permanently attached is his "substantive office."—(*See foot-note on page 276*)

† The allowance of a Commissioned Medical Officer in Civil Employ will not be less than half his Unemployed Pay, or, if he was appointed to the Medical Service before the 7th November 1864, half the Grade Pay of his Rank

‡ G. G O. No 1060 of 23rd December 1864, paragraph 29.

§ G. G. O. No. 370 of 4th April 1867, paragraph 9.

Appendix C1.

Rule V, 1st clause.

(a) *Insert the following as a "note" under the definition of salary :—*

[NOTE.—The personal allowance drawn by Military Officers in the Police under the order in the Finance Department No. 999, dated the 19th May 1883, is included in the term "salary."]—(213) (Financial Department Order No. 5018, dated the 19th September 1887.)

Appendix C. 1.

Rule V, Paragraph 2, Clause 2.

Insert the following Note under this Clause :—

[NOTE.—An officer in Civil employ, who when on furlough draws one-half of the salary of his substantive office under the first clause of Rule V, Section 1, derives no benefit as regards the rate of his furlough pay from departmental promotion and consequent increase to his staff salary during his furlough. His furlough pay will be increased beyond what he was entitled to at the commencement of his furlough only if he is promoted to a higher Staff Corps or Regimental rank while on furlough.—Rule V, Section 2.]—(34) (3140, dated 29th August 1884.)

Appendix C 1—Military Furlough Rules of 1868.

The staff salary how divided.

Minimum Furlough pay.

§ 4 Officers not in staff employ will receive half the Indian pay of their rank, provided that an Officer entitled to Furlough shall in no case receive less than the above minimum of £250 per annum.

[NOTE.—Officers who may be entitled to income allowance from the Military Fund during absence in Europe, will draw their half-salary or minimum Absentee Allowance under the foregoing clause, subject to a deduction equivalent to the amount of such income allowance.]

All furlough on private affairs subject to the exigencies of the service

VI.—All grants of Furlough on Private Affairs are subject to the exigencies of the public service,—of which exigency the Government is to be exclusively the judge,—and to any regulations that may be found necessary for limiting the number of absentees.

Applications of officers who cannot be spared need not be forwarded

[NOTE.—It is therefore within the competency of Local Governments and of the Commander-in-Chief to decline to forward the application of any Officer whose absence would, in their opinion, be detrimental to the interest of the public service, until such time as arrangements can be made for removing the difficulty; and it is the duty of every Head of Department to decline to forward any application for Furlough whenever the services of the Officer cannot be spared without risking the efficiency of the Department, any doubtful case being referred for the orders of Government.]

Furlough on private affairs limited to 2 years at one time.

Extensions of such furlough

VII.—The maximum amount of Furlough on Private Affairs to be taken at any one time, carrying pay and retention of appointment, will be two years: any extension of such Furlough will be without pay, unless it is on Medical Certificate. see Rule XIII. (But see Notes (3) and (4), Rule IX.) And no extension on Private Affairs beyond two years will be granted, though without pay, except upon satisfactory evidence of very urgent necessity.

Three years' service to intervene between two furloughs

VIII.—A period of at least three years' service after return from last Furlough, except Furlough for a period not exceeding six months under Rule XI (and excepting also, in the case of an Officer in Civil Employ, *Ordinary Furlough not exceeding three months**) must be completed before Furlough can again be taken, unless obtained under Medical Certificate. (See Rules XIII and XIV, and Note 3 of Rule IX.)

Exception in cases of Officers ordered out on Field Service

But an Officer who may be *ordered* to return to duty before the completion of his Furlough, for the purpose of proceeding on Field Service, may be allowed to take the balance of such Furlough at any time.

[NOTE.—An Officer in Civil Employ cannot reckon in this interval of three years any period of absence from actual duty, excepting those spent on Privilege Leave.]

Periods of service qualifying for furlough

IX.—An Officer will be eligible for two years' Furlough on the completion of eight years' actual service in India (see paragraph 6 of this order); for a third year after a further period of six years' actual service, and for a fourth and fifth year after similar intervals of six years, and so on up to the maximum prescribed in Rule XVI. The grant of Furlough to an Officer eligible for it will be subject only to the conditions specified in Rules VI and VII.—(*But see notes to this Rule.*)

Furlough *without pay* not reckoned as "furlough taken"

§ 2 † Leave granted under these Rules, without Furlough Pay, will not reckon as Furlough already taken in calculating the balance at an Officer's credit, or as part of the total of eight years allowed, as shewn in Rule XVI; but

* Such furlough will, however, be excluded from the three years' *service* required between two furloughs—(*G G O No 24, dated 12th January 1877*)

† Original Rules modified by G. G O No 197, dated 1st March 1877.

Appendix C 1.—Military Furlough Rules of 1868.

all Furlough with Furlough Pay, whether on Private Affairs or on Medical Certificate, taken under these Rules, will so reckon.

How far previous furlough on medical certificate bars furlough on private affairs

§ 3. * Furlough and Leave previously taken under the Rules of 1796 or 1854 will count, as respects Officers who have elected these Rules, as follows:—

Furlough on Private Affairs, with pay, taken under the Rules of 1796 or 1854, counts in all respects as Furlough.

Leave on Sick Certificate, under the Rules of 1796, does not count in any respect as Furlough.

Leave on Sick Certificate, with pay, under the Rules of 1854, counts as part of the maximum of eight years allowed under these Rules; but until the maximum thus made up be reached, this leave will not count as Furlough already taken in determining the amount of Furlough to which an Officer is entitled.

Leave without pay under the Rules, either of 1796 or 1854, does not count in any respect as Furlough.

Service *on duty* in England how reckoned.

§ 4. If an Officer appointed to any *duty* in England draws his Indian allowances with or without any portion of his staff salary, he can count the period of such employment as service towards Furlough; but if he is appointed to an office in England to which a fixed consolidated salary is attached, he cannot reckon the time of such employment as service towards Furlough.

Furlough on medical certificate when on furlough pay.

[NOTE (1).† But an Officer of less than eight years' service in India may obtain Furlough, not exceeding two years,‡ on Medical Certificate, with Furlough Pay and retention of appointment, provided he has been three years in the Staff Corps, or—in the case of a Royal Engineer Officer holding a permanent staff appointment, or an Officer not in the Staff Corps—has served for three years in India.]

Furlough on medical certificate when on English furlough pay.

NOTE (2).—If the Officer has not been three years in the Staff Corps, or served three years in India, as the case may be, he will receive "English Furlough Pay" only, and must vacate his appointment, unless entitled to retain it under Rule II.§

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* Original Rules modified by G. G O. No. 197, dated 1st March 1877

† Under the authority of the Right Honourable the Secretary of State for India, it is hereby notified that Furlough on Medical Certificate with Furlough Pay obtained by Officers under Rule IX, Note (1), of the Regulations of 1868, between the publication of G. G Os No 171 of the 25th February 1874, and No 197 of the 1st March 1877, will not be reckoned as "Furlough already taken" in computing the amount of Furlough at the credit of such officers.

2 It will, however, form part of the aggregate of eight years allowed to Officers—*G. G O., Military Department, No 935, dated 4th February 1879*

‡ See footnote to Clause 6 of the Military Furlough Rules of 1875, page 251.

§ *Extract from a letter from the Government of India, in the Military Department, to the Adjutant General in India, No. 91, dated 3rd October 1876.*

With reference to your letter No 2795A, "*Leave,*" dated 24th July 1876, and previous correspondence regarding the question of the retention by Lieutenant * * R. E, Imperial Establishment, of his appointment in the Public Works Department, I am desired to state for the information of His Excellency the Commander-in Chief that, in the opinion of the Government of India, the retention of the appointment by an officer situated as Lieutenant * * is, is provided for by the Furlough Regulations as they stand

2 By Note 2 of Rule IX of the Furlough Regulations of 1868, published in G G O No. 171 of 1874, an officer who has not served three years in India, and proceeding on furlough on medical certificate, will receive "English Furlough Pay" only, and will vacate his appointment unless entitled to retain it under Rule II

3. Rule II lays down that officers of the Staff Corps and local Indian service can retain their appointments during all leave of absence granted by competent authority Subsequently, the Secretary of State for India, in his Despatch published under G. G. O. No. 1174 of 1875, decided that the rule under which officers of the Staff Corps and local service retain their appointment during all authorized leave, shall be made applicable to all Military and Medical Officers taking leave under the Rules of 1868

4 The provisions of Note (1) of Rule IX, which you state will, under the above ruling, require modification, are not really affected by it, as they refer to leave on "Furlough Pay," with retention of appointment. Note 2 relates to leave on "English Furlough Pay" with retention on vacation of appointment. Lieutenant * * retains his appointment, but as he has not performed three years' service, he does so on "English Furlough Pay" only

Appendix C 1.—Military Furlough Rules of 1868

This Rule and the Proviso in Note (1), however, are not applicable to Officers of the Indian Army who entered the new Line Regiments or Royal Artillery, and subsequently the Staff Corps.

General Officers exempted from certain rules.

[NOTE (3).—Unemployed General Officers of the Staff Corps of Local Service can be granted Furlough without serving the intervals of three and six years, respectively, prescribed in Rules VIII and IX; and they can remain in Europe after they have exhausted the full period of Furlough allowed during an Officer's service by Rule XVI (eight years on the whole) on the English Furlough Pay of their Rank.]

NOTE (4).—And a Major-General of the Staff Corps—if he has so much Furlough at his credit, and proceeds to England within a year of his being promoted to that rank, or of his ceasing to be employed—can continue, after the expiration of the two years' Furlough, to receive half his Indian pay until he completes the period of three years, during which he would be entitled to draw his Staff Corps pay if he were in India.]

Furlough may be taken by instalments.

X.—An Officer eligible for Furlough need not take the whole amount to which his service entitles him, but may apply for any portion thereof as an instalment; and in that case, the balance will remain at his credit in any future computation of the amount of Furlough for which he may be eligible.

Illustrations.

Furlough at credit how determined.

1. An Officer who has served nine years in India is entitled to two years' Furlough; he takes only one year, and after his return, remains in India for five years. He is then eligible for two years' Furlough as follows:—

Total service in India	14 years.
Furlough due on that service	3 years.
Furlough already taken*	1 year.
Balance for which he is eligible	2 years.

2. An Officer who has served 20 years in India without taking Furlough is entitled to four years' Furlough. He can only take, however, two years, at one time, carrying pay, the balance remaining at his credit in any future computation of Furlough to which he may be entitled. He can take that balance after completing three years' service from the date of his return from the first instalment.

[NOTE.—An Officer is said to have Furlough at his credit,—even though he may not be able to obtain it owing to the number of Absentees, or other cause,—when the calculation of his Service, as in illustration 1 above, shows a "balance for which he is eligible."]

Furlough on urgent private affairs when granted.

XI.—Furlough on Urgent Private Affairs for six months, on pay equivalent to the British Regimental pay of his rank, may be granted when the Officer has less than six months' Furlough at his credit, or when, from other causes, *e.g.*, the number of the Absentees, or his not having served three years since his last return to duty, he is not able to take it. The said period may form part of the periods of either eight or six years referred to in Rule IX, and also—except in the case of an Officer in Civil Employ (see Rule VIII, note)—of the three years which are required to intervene between two periods of Furlough by Rule VIII.†

Extended beyond 6 months only on medical certificate when its advantages are lost.

This Leave cannot be given in extension of Furlough of any description. It cannot be extended beyond six months, unless on Medical Certificate and on the same pay, in which case the Officer will be deemed to have vacated his appointment, unless entitled to retain it under Rule II; the whole period will be reckoned in the maximum amount of Furlough (8 years) allowed by Rule XVI,

* Rule IX, § 2, Added by G. G. O. No. 305, dated 26th March 1874.
† Original rule modified by G. G. O. No. 922, dated 31st August 1876

and no portion of it can form any part of the periods referred to in Rules VIII and IX.

[NOTE.—Ill-health is not considered as warranting Furlough under this rule to any Officer who, under the provisions of these Rules, can obtain Furlough on Medical Certificate without forfeiting his appointment.]

Special permission needed for change of residence from England to India, and *vice versâ*, during furlough.

XII.—Subject to State considerations, there will be no restriction as to the places to which an Officer may resort during Furlough. But, if he desires to spend in England the rest of a "Furlough in India," or *vice versâ*, he must obtain permission to do so from the Government of his Presidency, or from the Secretary of State for India, as the case may be; and on landing in either country, he must report his arrival accordingly to the Military Department of his own Presidency, or to the India Office, forwarding a copy of the permission granted him to change his destination. He must also communicate his address. An Officer who, on his return to India, reports his debarkation, without forwarding *at once* a copy of the permission granted him to change his destination, or submitting an application for such permission, will be considered to have returned to his duty.

Reports, &c., required.

Consequences of extension of furlough on medical certificate over 2 years.

XIII.—Furlough on Medical Certificate is obtainable as indicated in Notes (1) and (2) of Rule IX, and in Rule XIV. Absence on such Furlough for a longer period than two years at one time will involve forfeiture of appointment. *(But see Exceptions in Rule II)* Furlough may, however, be extended on Medical Certificate up to a third year "on English Furlough Pay;" and an Officer on Furlough on Private Affairs, who may be obliged to obtain an extension on medical certificate, will be thenceforward entitled to the same advantages, and subject to the same advantages as to retention of appointment, pay, &c., as if he had originally obtained Furlough on Medical Certificate.

If he exceeds 3 years' absence on medical certificate, the Officer may have to retire or go on half-pay.

In the event of an Officer not being able to return to his duty after an absence of three years, it will rest with the Secretary of State for India in Council to order him to appear before a Medical Board, with a view to placing him on the Retired List, if entitled to pension, or on the half-pay list.

Extension on medical certificate over 3 years to be without pay.

Should the circumstances of the case warrant a further extension of Furlough, it can only be granted without pay.

Officers on medical certificate must be pronounced fit for duty before returning to India.

[NOTE.—All Officers, however employed, and whatever the amount of leave granted them may be, who leave India on Sick Certificate, are required to produce a certificate of fitness for duty before they can be allowed to return.]

Consequences of furlough on medical certificate taken within 3 years of last return.

XIV.—An Officer whose health may necessitate his taking Furlough within three years from the date of last return from any Furlough, except that taken for a period not exceeding six months under Rule XI (and excepting also, in the case of an Officer in Civil Employ, *Ordinary Furlough not exceeding three months*), may obtain, under the usual Medical Certificate, such amount as may be duly certified to be necessary for the restoration of his health; but he will receive only "English Furlough Pay," and must vacate any appointment he may be holding, unless entitled to retain it under Rule II.

§ 2. If, however, he shall have served three years since the date of his last return to duty, although there may be no balance of Furlough at his credit, he will be entitled, on obtaining Furlough on Medical Certificate, to retain his appointment, and to receive "Furlough Pay," as laid down in Rule V, for the entire period not exceeding two years. Should the latter period be exceeded, he will come under the provisions of Rule XIII.

Appendix C 1.—Military Furlough Rules of 1868.

"Furlough at credit" bars furlough on medical certificate.

XV.—An Officer entitled to Furlough, or having a balance of Furlough at his credit, whose health may necessitate his absence from India, must take the leave as Furlough under Rule IX, but without forfeiting any passage money to which he may be entitled under Military Fund Rules,—or, if a Subaltern, by Regulation,—when proceeding on Medical Certificate.

Furlough on medical certificate when extended on private affairs.

§ 2. Should the Officer be declared fit for duty before the expiration of two years, he may be granted extension on Private Affairs up to that limit, provided that he has so much at his credit, and that if he remains he will not be in excess of the established proportion of absentees. Any extension on *Private Affairs* of such Furlough, beyond the said period of two years, must be without pay.

Furlough at credit must be exhausted before furlough on medical certificate can be given.

§ 3. Any extension on Medical Certificate of Furlough under § 1 of this Rule beyond two years, or any lesser period which may be at his credit under Rules IX and X, will be regarded, in all respects, as Furlough on Medical Certificate (Rule XIII); and if the period of two years should not exhaust the balance of Furlough at his credit under Rule X, the period or periods of extension shall be deducted from such balance till the latter is exhausted. On the aggregate of two years' leave being exceeded, the Officer will come under the provisions of Rule XIII.

Total furlough with pay, &c., in an officer's service limited to 8 years.

XVI.—The aggregate amount of Furlough with pay and retention of appointment on Private Affairs and on Medical Certificate, that may be granted to an Officer during his service, will be limited to eight years.

Furlough not reckoned in this period.

[NOTE.—The following periods of leave, however, will not be reckoned in this period of eight years:—

§ 1.—Leave without pay.

§ 2.—Sick Leave to Europe, or to the Colonies eastward of Cape under the Rules of 1796.

§ 3.—Leave taken under Rule XI of these Rules, provided it be not extended over the six months. If it be so extended, the whole period will reckon as part of the eight years.

§ 4.—Leave necessitated by wounds, or sickness contracted on active service, and any other leave which may be allowed by proper authority, to reckon as service for pension.

§ 5. In the case of an unemployed Officer, periods of residence in England on English pay after promotion to the rank of Major-General, or to the rank of Regimental Colonel in the Royal (late Indian) Artillery and Engineers, or after completion of tour of service as Inspector General or Deputy Inspector General of Hospitals when the Officer is no longer required to reside in India.

All other leave to Europe, or out of India, for periods exceeding three months (see Rule XXVII), including Furlough on Medical Certificate under the Furlough Rules of 1854, will form part of the period of eight years.]

Dates from and to which furlough is reckoned.

XVII.—If taken in India, Furlough will be reckoned from the date of the absentee's quitting his Station to the date of his return thereto; if taken out of India, from the date of the sailing of the vessel in which he may have embarked to the date of his *bonâ fide* disembarkation in India for the purpose of rejoining his appointment or Regiment; the date of embarkation (or of the vessel's leaving the Sandheads, if from Calcutta) and that of disembarkation also, are included in the Furlough.

[NOTE (1).—As an illustration of this Rule, it may be observed that a Madras Officer's landing and reporting himself at Madras, *en route* to Calcutta to join his appointment in Bengal or the North-Western Provinces, &c., is not disembarkation in the sense intended by this Rule.

Extension to cover excess over furlough how obtained.

NOTE (2).—To enable an officer who overstays his leave to obtain an extension, he should show that he took all needful precautions to ensure his arrival in proper time, and if delayed by the departure of the vessel being deferred, he should obtain the certificate of the Owner or Agent that she had been *bonâ fide* advertised to sail from———on the———, but that her departure had been delayed till the———. See General Order No. 52, dated 21st February 1873]

Appendix C 1.—Military Furlough Rules of 1868.

Preparatory leave.

XVIII.—Preparatory Leave to embark for Europe, or elsewhere, on Furlough, will be granted for any period deemed necessary, not ordinarily exceeding 30 days. Leave up to the same limit, to enable him to rejoin on his return from Furlough, will be granted from the date succeeding that of his disembarkation in India. This applies equally to Furloughs taken under Rule XI. The authority which has power to grant Preparatory Leave can, on due cause being shown, grant any necessary extension of it; but this can be done only on very sufficient reasons.*

Limited ordinarily to 30 days.

[NOTE (1).—An Officer obtaining a Furlough on Private Affairs or Medical Certificate must embark within three months of the date of the General Order which notifies it, or take up the first portion of his Furlough in India until he embarks; if not, the General Order will cease to have effect. The only exception to this Rule that can be allowed is when the Officer is prevented from embarking within the three months owing to his detention in India by proper authority on *bonâ fide* public grounds. If, however, the Officer does not, within a reasonable time, avail himself of the Furlough given him, his subsequently being placed on duty rendering his detention necessary will not exempt him from the Rule: and in every case of such detention the Officer must at once report it, and he is not to embark after the expiration of three months, until he has applied for and obtained from the Government of his Presidency an extension of the period.

G. G. O granting furlough has effect for 3 months only.

Detention when deemed a valid excuse

NOTE (2).—Officers who may be serving in other Presidencies than their own, if they desire to embark *bonâ fide* for Europe from the latter, may obtain Preparatory Leave accordingly, and their Furlough will reckon from the date of their embarkation at their own Presidencies.

An officer serving out of his Presidency may embark from it.

NOTE (3).—For full information as to the submission of Applications for Furlough, see G G. O. No. 34 of 11th January 1869; G. G. O. No. 103, dated 26th January 1869; General Order by the Commander-in-Chief, No. 135, dated 11th June 1870.

Applications for furlough how submitted.

NOTE (4).—The allowances of Military Officers in Civil employ during Preparatory Leave, and after return to India until they rejoin their appointments, will be adjusted according to Civil Rules.

Leave preparatory to retirement.

NOTE (5).—Leave preparatory to retirement from the service does not reckon as service towards pension.]

Pay issued monthly in India; quarterly in England.

XIX.—Furlough allowances are payable monthly, if payment is taken in India; and quarterly, if payment is taken in England.

Advances of furlough pay given in India only.

XX.—Advances† of Furlough Pay will continue to be made in India, to those Officers who desire it, for three months from date of embarkation. Payments in continuation will be made in England on the expiration of six months from that date. No advance is made in England to Officers on their returning to duty.

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* *G O. C. C., Madras, No. 79, dated 19th September 1872.*

The following General Orders by His Excellency the Commander-in-Chief in India are republished:—

* * * * * * * * * *

Adjutant General's Office, Head-Quarters, dated Simla, 14th June 1872, No. 144,

Leave, Service, Officers, Passage.

In continuation of G. O No. 57 of 1872, the following letter from the Government of India, Military Department, to the Government of Bombay, No. 59, dated 27th May 1872, is published for general information:—

In reply to your letter No. 2145, dated the 8th May 1872, enquiring how the time passed by an officer detained at the Presidency for passage in a troop-ship, beyond the usual preparatory leave, is to count towards leave and service for pension, I am directed to state, for the information of the Government of Bombay, that the Right Honourable the Governor General in Council is pleased to rule, that in cases where the detention is really *unavoidable*, the time should not count against an officer, but be considered to come within the preparatory leave.

† *G. G. O., Military Department, No. 175, dated 22nd February 1873.*—Under instruction from her Majesty's Government, the Right Honourable the Governor General in Council is pleased to publish the following Rules regarding Advances of pay to Officers under the Furlough Rules of 1868 and 1875.—

Officers proceeding on Furlough to Europe may, if they desire it, receive an advance equivalent to three months' Furlough pay.

Appendix C 1.—Military Furlough Rules of 1868.

Last-pay certificate to shew rate of furlough pay, &c.

XXI.—The Last-pay Certificate issued to each Officer who may be granted Furlough, whether on Private Affairs or on Medical Certificate, will specify the rate of the pay and staff salary of his last substantive appointment, and the rate to which he will be entitled in Europe in virtue of Rule V.

Pay of officers acting for those on furlough

XXII.—An Officer acting in India for an Absentee on Furlough will be restricted, for the entire period that he may so act, to the half staff salary of the appointment in which he may be acting, in addition to the full pay of his rank and the half staff salary of his own appointment, if he possess one. * The aggregate staff salary granted to the Acting Officer in such cases will not be less than Rs. 100 per mensem, unless the full staff salary of the post in which he is officiating is less than that sum.

Pay of Warrant Officers acting for others on furlough.

A Warrant Officer, acting for one of a higher grade on Furlough, receives half of the aggregate allowances of the Absentee, added to half of the aggregate of his own allowances

[NOTE.—† The indulgence granted by § 1 of this Rule is only allowed to one *directly* officiating in the place of the Officer absent on furlough, not to one acting in the room of an Officer who is himself acting for an absentee on furlough.]

Periods of furlough, &c., counting as service towards pension.

Yrs.		Yrs.
2	in	20
3	,,	25
4	,,	30
5	,,	35
6	,,	38

XXIII.—The privilege heretofore granted to Military and Medical ‡ Officers who had elected the Rules of 1854, of counting the proportion of leave noted in the margin as service for pension, is retained, and is applicable to those who elect these Rules, subject (in the case of Officers under the Rules of 1796) to the condition laid down in § 4 of Rule XXXIV. The periods of service qualifying for pension remain unaltered.

Periods of furlough reckoned by Warrant Officers towards pension

§ 2 Warrant Officers obtaining that rank after the 24th August 1872, can only reckon as service towards pension the following periods of leave, whether taken in or out of India:—

15	months	in	12	years'	Departmental	Service.
20	,,	,,	14	,,	,,	,,
24	,,	,,	16	,,	,,	,,

Those who were promoted to Warrant Rank before that date are allowed to continue, if they prefer it, on the old Rule, and reckon all leave in India as service, all out of India being deducted from their service for pension.

Officers returning from Furlough will, similarly, be granted advances of pay at the following rates, on obtaining permission to return.—

	£
For a Subaltern	65
For a Captain	100
For a Field Officer	150

Recovery of the Advances made in England to be effected in India by five equal monthly instalments, at the rate of exchange fixed for the year. The first recovery will be effected from the issue of the second full month's pay after arrival in India

[NOTE.—An officer who will certainly be promoted to higher rank before he reaches India, may receive an advance as if he had already been so promoted.]

* Original Rule modified by G G O No. 585, dated 5th June 1874, paragraph 4.

† Added by G. G O No 585, dated 5th June 1874, paragraph 5.

‡ Who can also reckon 1 year and 8 months in 17 years' service. (a)

(a) Added by G. G. O No 305, dated 26th March 1874.

Appendix C 1.—Military Furlough Rules of 1868.

Illustration of the mode of computing service for pension in any case.

				Yrs.
Total service from date of arrival in India, say				30
Leave—				
	Yrs.	Mos.		
In Europe, say .	6	7		
In India . .	3	5	Yrs.	
	—	—	= 10	
Of which he can reckon		.	4	
Remaining to be deducted		.	6	6
Service counting for pension		.	.	24

Furlough due how ascertained.

XXIV.—In computing the Furlough on Private Affairs to which an Officer who has already enjoyed some portion of such Furlough will be entitled under these Rules, it will be necessary to deduct the total amount of the Furlough on Private Affairs of which he may have availed himself during his service from the total periods to which under Rule IX he can lay claim. The balance (within the limit of eight years' total furlough on Private Affairs and Medical Certificate laid down in Rule XVI) will represent the leave to which he will be entitled on the expiration of not less than three years from his last return to duty.

Illustrations.

(1).—An Officer who had obtained under the existing Rules two years' Furlough after ten years' service, returns to India on the date on which this order is promulgated. He accepts its conditions, and serves four years longer in India. On the expiration of that term, he can take one year's Furlough, thus:—

Total service in India	14 years.
Leave to which that service entitles him .	8 „
Already enjoyed	2 „
Balance	1 year.

(2).—An Officer of four years' service has proceeded on Sick Certificate to England for 20 months, extended afterwards to two years. He returns, serves six years in India, takes two years' Furlough, and returns to India about the time of the promulgation of these Rules, which he accepts. He must serve four years before he can take an additional year's Furlough, thus:—

Total service up to return from Furlough .	14 years.
Total service in India	10 „
Furlough enjoyed on that service . .	2 „
Further period of service to entitle him to one year's Furlough	4 years.

CHAPTER II.

GENERAL LEAVE ON PRIVATE AFFAIRS AND SICK CERTIFICATE IN INDIA.

Leave on private affairs or medical certificate limited to six months.

XXV.*—An Officer will be eligible, as at present, to take leave on Private Affairs or Sick Certificate anywhere in India for any period not exceeding six months, at the discretion of His Excellency the Commander-in-Chief, or of the

* A Military Officer, subject to Military Rules, in civil employ, cannot obtain leave under this Chapter, unless the Government has previously declined to permit him to resign his civil appointment and revert to Military employment, and then only with the express sanction of the Local Government.—(*Military Department, No. 21, dated 4th January 1876.*)

Appendix C 1.—Military Furlough Rules of 1868.

Government under which he may be serving. During the entire period of his absence on this account, the Officer will be entitled, as at present, to his full pay and a moiety of his staff salary. Leave taken under this Rule will form no part of the eight years' aggregate Furlough. If this indulgence should be taken advantage of for a third year, consecutively, the Officer will lose his staff appointment, unless entitled to retain it under Rule II.

Pay as heretofore.

If taken for a third year, consecutively, staff appointment forfeited.

XXVI.—Leave on Sick Certificate for a period exceeding six months, capable of extension under renewed Medical Certificate to a limit of one year, may be granted to any Officer who, in the opinion of a Medical Board,* may require it. Leave of this nature, taken after the promulgation of these Rules, will be held to constitute a part of the maximum period of eight years' Leave of Absence to which an Officer is entitled in his entire period of service, but will not be regarded as Furlough, nor will it affect the intervals entitling to Furlough laid down in Rule IX. During this Leave the Absentee will draw a moiety of his staff salary in addition to the pay of his rank. But if the 12 months be exceeded, the whole leave must be reckoned as Furlough, and allowances be adjusted accordingly.

If extended to one year on medical certificate, reckons in the 8 years of Rule XVI.

If extended over one year, reckons as furlough.

XXVII.—Short Leave, not exceeding three months, on Private Affairs or Sick Certificate, may also be taken to sea on the above condition; but absence from India for any longer period will be treated as Furlough.

Short leave (not exceeding 3 months) allowed as heretofore.

XXVIII.—All General Leave taken in India counts as part of the Leave reckoning against service for pension.

CHAPTER III.

PRIVILEGE LEAVE.

XXIX.—Privilege Leave may be granted, as at present, for sixty days in each year† to all Officers in Military employ, without deduction from the salaries and emoluments drawn by them. General Leave, in extension of Privilege Leave, can only be granted on the ground of sickness, or some other serious emergency which could not have been foreseen when the Officer proceeded on Privilege Leave. Privilege Leave may, however, be converted into General Leave with the sanction of the Commander-in-Chief or the Government.

Limited to 60 days in each year.

When extended

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* *G. G. O., Military Department No 367, dated 25th June 1880*

With the approval of Her Majesty's Government, the Government of India are pleased to sanction the abolition of the Standing Medical Boards at the ports of embarkation, in regard to officers of the Indian service proceeding on furlough out of India on medical certificate, who have appeared before local Medical Committees.

2 As furlough can be granted to the officers of the Indian services for a longer period than to officers of the British Service, it is hereby ruled that the local board, in the case of an officer of the Indian Services, shall invariably be presided over by an administrative medical officer.

† *G. G. O. No. 540, dated 14th June 1878.*

The following Military letter from the Right Honourable the Secretary of State for India is published for general information —

"I have received and considered in Council Your Military letter No. 57, dated the 1st March 1878, forwarding a letter from the Adjutant General in India, conveying the recommendation of His Excellency the Commander-in-Chief, that officers in Military employ be allowed to accumulate their privilege leave to three months after 33 months' duty, in view to their visiting Europe, as now allowed to officers in Civil employ.

"2. As the measure is recommended by your Government, and on the understanding that it will not involve, directly or indirectly, any additional expenditure, I am willing to sanction it on the terms proposed by His Excellency the Commander-in-Chief in India, *viz.*, that to claim the privilege it shall be necessary for an officer to shew that he has had no privilege leave for 33 months, and that he has made satisfactory arrangements for the performance of his duties during his absence, at no additional cost to the State.

"As it will not be necessary for the officer during such absence to report himself to the India Office, it will be incumbent on him to keep his departmental superiors in India acquainted with his address."—(*Secretary of State to Government of India, No, 129, dated 9th May 1878*)

Appendix C 1.—Military Furlough Rules of 1868.

Ninety days allowed from certain stations.

Assam.	Bunnoo.
Shillong	Dera Ismail Khan.
Eriupoora.	Dera Ghazi Khan.
Deolee	Rajanpore.
Khairwara.	Jacobabad.
Khotra.	

XXX.—In the case of the Stations noted in the margin, Privilege Leave may, as at present, be granted for ninety days to Officers of Local Corps, or of Corps which are usually employed in one or other of the Districts named.

No restriction as to place.

XXXI.—An Officer is at liberty to proceed wherever he may desire on Privilege Leave, provided he can ensure his return before the expiration of his Leave.

Must be apart from Furlough or other leave.

XXXII.—Privilege Leave cannot be taken in continuation of Furlough, nor can Furlough be obtained in continuation of Privilege Leave. If Furlough be obtained by an Officer while absent on Privilege Leave, the Privilege Leave will be converted into General Leave, the Officer for that period sacrificing a moiety of his staff salary.

Military Officers in Civil employ.

XXXIII.—Those Military Officers (including Warrant Officers who hold Honorary, Veteran, or Unattached Commissions) in Civil or Political employ, who may elect these Rules when they take Leave in India, come, as respects periods of leave obtainable and amount of pay to be granted, under the Civil Leave Rules. When they take leave out of India, they come under the Military Leave Rules.

For Preparatory or Subsidiary leave, see Note (4) of Rule XVIII.

Subsidiary Rule.

Election of these rules to be final.

XXXIV.—Officers of the Indian Military and Medical Services will be required generally to notify their intention to accept these Rules, or to adhere to those now existing, on the first occasion of their taking Furlough or General Leave after the publication of this order. Such election must be considered final, and under no plea whatever will an Officer be subsequently relieved from the choice thus made.

Fund subscription during furlough.

§ 2. Officers going Home under these Rules will pay English rates of subscription only to the Military Fund.

Benefits allowed to those who elect existing rules.

§ 3. Officers who may determine to abide by existing Rules, will be allowed to proceed on Furlough on the conditions laid down in Rules, VII, VIII, and XIII, to the extent to which they may be entitled under the Furlough Regulations of 1854, or of 1796, whichever of the two they may have elected, and on the rates of pay contemplated in those Regulations, but retaining their appointments. The principle laid down in Rule XV must, however, be applied in those cases.

Previous service of Officers under 1796 Rules how reckoned.

§ 4. If an officer under the Furlough Rules of 1796 elects the present Rules, his service for pension will be reckoned under the former Rules up to 1st July 1868, and thenceforward under the Rules of 1868; and the fact of the Officer having been on Furlough on 1st July 1868, and not then having elected the Rules of 1868, will not affect the case. All periods of Leave out of Indian limits taken previous to 1st July 1868, will be wholly excluded from his service for pension; but he may reckon towards pension periods of Leave taken subsequent to that date, according to the length of his service counting for pension, as shewn in Rule XXIII.

Retirement under 1796 Rules not affected.

His election of these Furlough Rules in no way affects his right to *retire* under the Pension Rules of 1796.

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Military Furlough Rules of 1875.

Footnote marked ‡ to Clause 6.

Add, within brackets, the following remark to this Note :—

"Officers who, under the operation of Rule III on page 254, have become subject to Civil Leave Rules, are entitled to the concession made by this order."—(103) (Finance Department Order No. 2785 dated the 2nd September 1885.)

Appendix C 2.—Military Furlough Rules of 1875.

2.

MILITARY FURLOUGH RULES OF 1875.

REVISED FURLOUGH AND LEAVE RULES FOR THE STAFF CORPS AND INDIAN LOCAL AND MEDICAL SERVICES.

General Order, Military Department, No. 1316 of 1875, dated 30th December 1875.

Under instructions from Her Majesty's Government, the Right Honourable the Governor General in Council is pleased to publish the following revised Furlough and Leave Rules applicable to the Staff Corps and Indian Local and Medical Services:—

Furlough and Leave Rules.

1. Officers included in Schedule A may receive, after five years' service in India or under the Government of India, one year's Furlough, and an additional year for each subsequent five years' service. Furlough not taken at the time it becomes due is not lost, and can, subject to these Rules, be taken later.

2. An Officer may receive at any time any portion of the Furlough to which he is entitled. But, except under Rule 8, he may not be absent from duty on any ground for more than three years consecutively; nor, on return from Furlough, may he receive, except under Rule 6, any further portion of the Furlough, to which he is entitled, until after the interval of two years.

3. It must be distinctly understood that Furlough is subject to the exigencies of the Public Service. Officers commanding Regiments and Heads of Departments will forward no application for Furlough unless able to satisfy the superior authorities that the Officer's services can be spared without any inconvenience to the Public Service.

4. Furlough does not involve forfeiture of appointment, may be spent anywhere, and counts as service for pension.

5.* A Commissioned Officer on Furlough receives (up to, but not beyond, the sum of 1,000*l.* a year) half the emoluments of his office, computed according to a rate of exchange to be fixed in each year by the Secretary of State: but in any case he does not receive less than 250*l.* a year. The emoluments of his office include all Pay, Staff Corps Pay, Staff Salary, and Indian Allowances he would receive in respect to it if he were on duty, and for the purpose of each payment, his office is the office he fills on the day when that payment becomes due.

† A Warrant Officer receives half the emoluments of his office, calculated in the same manner as those of Commissioned Officers, no Warrant Officer, however, receiving as Furlough Pay less than the English Furlough Pay of his rank.

6. Upon certificate of a Medical Board, an Officer not entitled to Furlough, if he has served not less than two years in India, may receive it for any period not exceeding two years;‡ but such Furlough will be deducted from his next accruing Furlough until it is paid off. An Officer will not be allowed to

* Original Rule modified by G. G. O No. 440, dated 11th May 1877.

† Added by G G. O. No. 440, dated 11th May 1877.

‡ My attention has been drawn to the operation of clause 6 of the Furlough Rules of 1875, in the case of offi. is invalided home for sickness due to wounds, or other cause, solely attributable to active service in the field.

2. Under the rule as it now stands, an officer of not less than two years' service in India, compelled then to return to England on two years' leave from the above cause, would have to complete on his return 15 years' service in all before he could take one year's leave on private affairs.

3. I do not believe such consequences were contemplated when the rules were drawn up, and I am of opinion that provision should be made to meet such case

4. I have accordingly decided that leave on medical certificate, when due solely to active service in the field, shall not be subject to repayment, but that it shall not count as service for furlough; that is, that the officer obtaining it shall still be required to put in the full Indian service qualifying for furlough under the Rules of 1875, with the condition also that he shall complete two years' further service in India before availing himself of it.

Appendix C 2.—Military Furlough Rules of 1875.

anticipate Furlough under this Rule to an aggregate amount of more than two years.

*Ruling.**— An Officer of less than two years' service, from date of coming under the new Rules, falling sick, will be sent to England on Medical Certificate on English Furlough Pay, subject to the decision of Her Majesty's Government as to his ultimate disposal, a special report on each case being submitted to Her Majesty's Government by the Government of India, or, in the case of officers of the Madras or Bombay Army, by the Governments of those Presidencies.

7. An Officer who has exhausted the Furlough obtainable under these Rules, and who may be certified by a Medical Board to be still unfit for duty, will be placed temporarily or permanently on half-pay, according to the circumstances of the case.

8. Under very urgent circumstances, Special Furlough may be granted for Private Affairs, which need not be paid back; but it will be in all cases without any kind of pay, and will not count for pension.

Ruling.—† The amount of Leave which may be granted under this Rule will be restricted to such period as the Government granting it is satisfied is actually necessary with reference to the urgency of the case.

9. ‡ Advances for Passage Money, on need shewn, will be granted to Officers on Furlough, to be recovered, in manner specified, at the time of the grant: in India, at the discretion of the Local Government; and in England, at the discretion of the Secretary of State.

10. Leave may be granted for any period not exceeding six months at a time, and may not, except for very urgent reasons, to be specially reported to the Government of India, be renewed till after six months have elapsed from its expiration. It must be spent at some place east of the 40th degree of east longitude. Subject to these conditions, it may be granted or refused entirely at the discretion of the local authorities, who, in granting it, shall fix its duration, and may fix the limits within which it shall be spent, and whether during its continuance half-pay and allowances are to be deducted for the payment of a substitute; and they may grant it as preparatory to Furlough or for the purpose of a medical examination. Leave counts as service for Pension and Furlough. The local authorities shall be defined for the purpose of this Rule by the Government of India.

11. Leave and Furlough are reckoned from and to the close of the days named in the order granting them.

12. The position of Officers not included in Schedule A will be unchanged as respects Leave or Furlough.

13. Officers now in the service placing themselves, from a given date, under these Rules, shall count service for pension up to that date under the Rules to which they were then subject.

Ruling.—* An officer takes with him so much service for pension as he had become entitled to under former Rules. Under the Rules of 1854 and 1868, two years' leave in 20 years' service counts for pension, but in periods of less than 20 years, no Leave counts. Therefore, if an officer, now under the Rules of 1854 or 1868, of 20 years' service, with two years' Leave, elects the present Rules, his service for pension will be 20 years; if an officer of 19 years' service with the same amount of Leave elects these Rules, his service for pension will be 17 years only.

Schedule A.

Officers entering the Staff Corps or the Indian Medical Service, and Warrant Officers attaining that rank, after the 31st December 1875, and

Ruling.—* The date of entry into the Staff Corps is that of entry for choice of Furlough Rules, *viz.*, the date on which the Officer was originally appointed on pro-

5 In relaxing the Furlough Rules of 1875 to this extent, I consider it necessary to place a restriction on the period of all sick leave out of India granted by the Indian Government. At present, in almost every case, the period is fixed at two years I request that, in future, you will not grant under any of the furlough rules now in force more than one year's leave on medical certificate, leaving any question of its extension to be decided on the report of the Standing Medical Board of this Office. *(Secretary of State's Despatch, No 274, (Military), dated 18th August 1881, published as clause 170 of India Army Circulars, 1881).*

* G. G. O., Military Department, No. 1110, dated 27th October 1876.

† G. G O., Military Department, No. 1110, dated 27th October 1876.

‡ See foot-note to Rule XX, page 240

Appendix C 2.—Military Furlough Rules of 1875.

bation. An Officer, therefore, whose date of admission to the Staff Corps is not after the 31st December 1875, will have the choice of Rules, but an Officer whose date of admission is after that date will have no option

Any other Officers, Commissioned or Warrant, belonging to the Indian Army or Medical Service, or Officers of the Staff Corps, who, after the 31st of December 1875, shall, before asking for Leave or Furlough, apply in writing to their Local Governments to be placed definitively upon this Schedule: but their service for Furlough under Rule I shall commence from the date of such entry or such application respectively.

Ruling.—*An Officer coming on this Schedule, having Furlough to his credit under previous Rules, forfeits such Furlough absolutely, he being required to serve five years from date of applying to be placed on the Schedule before he can take one year's Furlough unless it be Sick Furlough under Rule 6 An Officer similarly circumstanced, but having Furlough to his debit, is equally with the others entitled to take one year's Furlough, five years after joining the new Rules.

Any Officers in Civil employment declared by the Government of India to be under Civil Leave Rules shall not be under these Rules.

*** The Last-pay Certificate issued to an Officer to whom Furlough or Leave has been granted shall state the pay to which, under Rule 5, he is at that date entitled in respect to the Office he is holding, noticing the date, if any fixed, at which he will vacate it.

With advertence to the foregoing Rules, the Right Honourable the Governor General in Council is pleased to notify—

I. That no "Extra Special Allowances" drawn by an Officer which are now excluded from the account in calculating Furlough Pay under the Rules of 1868, can be reckoned in calculating Furlough Pay under these Rules (Rule 5).

II. That the Governments of the three Presidencies, or Their Excellencies the Commanders-in Chief in regard to Officers serving directly under them, shall be held to be the "local authorities" named in Rule 10.

III That, pending further orders, a Staff Officer granted Leave under Rule 10 shall receive, as heretofore, the pay or Staff Corps pay of his rank and half the Staff Salary of his appointment during such Leave; but full Staff Salary may be allowed him for the first two months (as now during Privilege Leave) when he makes approved arrangements for the performance of his duties during that period. In such cases the G O granting the Leave must state that the first two months are to be on full Staff Pay †

[*N B*—It is distinctly to be understood that the Rule regarding the pay to be drawn on leave under paragraph 10 is liable to be modified at any time in any way that the Government of India may deem expedient.]

IV. Pending further orders, these Rules are not applicable to any Officer in Civil employ

Supplementary Rules for Military Officers in Civil ‡ Employ.

Despatch No. 164, dated the 10th May 1877.

His Excellency the Governor General in Council is pleased to notify the following Supplementary Regulations, which have received the approval of the Right Honourable the Secretary of State for India, providing for the case of Military Officers in

* G. G. O., Military Department No. 1110, dated 27th October 1876

† With the sanction of the Right Honourable the Secretary of State for India, it is notified that the provisions of G G O. No 540, dated the 14th June 1878, granting privilege leave to Officers for three months after 33 months' duty, are extended to Officers under the Furlough Rules of 1875.

2 It is to be understood that to claim the privilege it shall be necessary for such an officer to show that he has had no leave on full Indian pay and allowances for 33 months previous to date of his application, and that he has made satisfactory arrangements for the performance of his duties during his absence at no additional cost to the State —*G. G O, Military, Department, No 185, dated 28th February 1879.*

‡ An Officer who entered permanent Civil employ after the 10th January 1880, or who, being already in such permanent employ on that date, had not then been continuously in Civil employ, whether officiating or substantively, for five years, holds his appointment subject to any change in his position as a Military Officer which may hereafter be ordered —*G G O, Military Department, Nos. 6A., dated 10th January 1880, and 781A, dated 2nd April 1880*

Appendix D.—Form A.

Civil Employ, referred to in paragraph IV of the Subsidiary Rules appended to G. G. O No. 1316 of the 30th December 1875 :—

I. Any Officer now in Civil employ, who is subject to the Military Furlough Regulations of 1854 or 1868, shall remain so subject.

II Any Military Officer who may hereafter enter Civil employ, who is not already subject to the Military Furlough and Leave Rules of 1875, shall remain subject to the Rules applicable to him when he enters Civil employ.

[NOTE —An Officer referred to in Rules I and II cannot elect the Military Furlough and Leave Rules of 1875, so long as he continues in Civil employ.]

III Any Officer who may enter Civil employ, who is already subject to the Military Furlough and Leave Rules of 1875, shall be subject to the Rules in the Civil Leave Code applicable to Covenanted Civil Servants, both as regards Furlough and Leave taken out of India and in India.

IV If any Officer, who is employed in the Civil Administration, has taken Furlough in the Military Department under the said Rules of 1875, this Furlough shall be treated, in calculating the Furlough or Special Leave admissible to him under the preceding Rules, as if it had been Furlough taken under the Civil Leave Code. Leave so taken under the 10th Military Rule shall be treated as if it had been Privilege Leave taken under the Civil Leave Code, and the claims of the Officer under the Civil Leave Code adjusted accordingly.

V If an Officer, who has been subject to the Rules in the Civil Leave Code under the third of these Rules, is again employed in the Military Department, and so again becomes subject to the Military Furlough and Leave Rules of 1875, any Furlough or Special Leave taken by him under the Civil Leave Code will be treated, in calculating the Furlough admissible to him under the said Military Rules, as if it had been Furlough taken under the said Military Rules. Privilege Leave taken under the Civil Leave Code Rules will be treated as if it had been Leave taken under the 10th Military Rule. Subsidiary or Examination Leave taken under the Civil Leave Code will not affect the claims of such an Officer under the Military Furlough and Leave Rules.— *G. G. O., Military Department, No. 1102, dated the 7th December 1877.*

RULES FOR THE RETENTION OF REGIMENTAL OFFICERS IN CIVIL EMPLOY.

CLAUSE 129. With the sanction of the Secretary of State for India, it is notified that a regimental officer selected for temporary employment with a department of the State in an appointment other than those* whose seconding is regulated by the provisions of paragraph 4 of G. G. O. No. 811 of 1877, will, on the expiration of a year of such temporary duty, be seconded, provided that the department employing him certifies that there is a fair likelihood of his being brought on the permanent establishment of that department; otherwise he must immediately be returned to his regiment.

* Army or personal staff appointments tenable for fixed periods.

2 An officer so seconded must either return to his regiment at the end of five years, or be struck off its strength on retention in a department for any period beyond that term. (*Indian Army Circulars, Military Department, No. 1451, dated 20th October 1880*)

APPENDIX D.

(*See Section 161 (a) Rule 3 (a), Note; and Section 162, Rule 1.*)

FORM A.

(OBVERSE.)

Furlough Rules of 1854.

Certified that A. B. has years months days' Furlough on Private Affairs at his credit, and is under the Furlough Rules of 1854.

Appendix D.—Forms B & C.

A. B. is eligible for such Furlough for years months days on English Furlough Pay, and to such extension on medical certificate without pay as may be granted.

Should A. B. proceed on medical certificate, he will be eligible for Furlough for twenty months on pay in the first instance, drawing for the first six months Indian Pay (or Pay and Allowances) and Half Staff Salary, and for the remaining fourteen months English Furlough Pay. Extension of this leave up to three years in all on English Furlough Pay can be given on medical certificate, but any further extension will be without pay.

MILITARY DEPARTMENT, OR ADJUTANT GENERAL'S OFFICE, AS THE CASE MAY BE.

The 188 .

Secretary to the Government of India,
or Adjutant General of the Army,
as the case may be.

[NOTE.—On the back is noted the date of beginning and ending of any Leave already taken, the nature of such Leave, and the Rule under which it was taken.]

(REVERSE.)

LEAVE ALREADY TAKEN.		Nature of Leave.	Rule under which taken.
Date of beginning.	Date of ending		

FORM B.

(OBVERSE.)

Furlough Rules of 1868.

Certified that A. B. has years months days' Furlough at his credit, and is under the Furlough Rules of 1868.

A.B. is eligible for Furlough and "Furlough Pay" up to years months days in all, on Private Affairs, also to years months days more, if granted an extension on medical certificate.

But no pay can be granted to A. B. under any circumstances after he has been three years absent.

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The 188 .

Secretary to the Government of India,
or Adjutant General of the Army,
as the case may be.

[NOTE.—(As in Form A.)]

(REVERSE.)

(As in Form A.)

FORM C.

(OBVERSE.)

Furlough Rules of 1868.—Rule XI.

Certified that A. B. has years months days' Furlough at his credit, and is under the Furlough Rules of 1868.

Appendix E.

Not being eligible for Ordinary Furlough, A. B. can only obtain it under Rule XI for a period not exceeding six months on pay equivalent to the British Regimental pay of his Rank.

This Furlough cannot be extended beyond six months except on medical certificate, on the same pay and for such periods as the Secretary of State may think fit. But any extension allowed after three years' absence must be without pay.

MILITARY DEPARTMENT, OR ADJUTANT GENERAL'S OFFICE, AS THE CASE MAY BE.
The 188 .

Secretary to the Government of India or Adjutant General of the Army, as the case may be.

[NOTE.—(As in Form A.)]

APPENDIX E.

(*See prefixed Note to Chapter IV of the Code.*)

RULES OF 1863 RELATING TO FURLOUGHS AND LEAVE OF ABSENCE FOR JUDGES OF THE HIGH COURTS.

1. A Furlough for the period of one year, with an allowance of 1,000*l.* payable by quarterly payment, shall be allowed to the Chief Justice and to each Puisne Judge of the High Court, after seven years' actual service as Chief Justice, or Chief Justice and Judge, or Judge of the same Court.

2. The Furlough granted under these Rules to a Judge selected from the Covenanted Civil Service shall be exclusive of the Furlough to which such Judge is entitled under the Rules applicable to Furloughs allowed to members of such service.

3. If a Judge of the High Court, selected from the Covenanted Civil Service, who has not taken his Furlough under the Rules applicable to his branch of the service, before his appointment to the High Court, shall take such Furlough within one year after the expiration of his Furlough under these Rules, the Furlough taken by him as Judge of the High Court shall be reckoned as so much time of his Furlough under the Rules applicable to the Covenanted Service, and the amount drawn by him shall be adjusted, with reference to such Rules, by deductions from the allowances payable to him as a Civil Servant on Furlough.

4. A Chief Justice, or Puisne Judge, during his absence on Furlough, shall retain his office, but such Furlough shall not be reckoned as actual service in calculating the period of service entitling the Chief Justice, or Puisne Judge, to a pension.

5. Leave may be granted by the Governor General in Council to the Chief Justice or any Puisne Judge of the High Court, who may not be a member of the Covenanted Service, under Medical Certificate, once during the term of his service, either for a period of six months on half salary, payable on return and resumption of his duties, or for a period of fifteen months, on an allowance of 1,000*l.* per annum. Such Chief Justice, or Puisne Judge, during his absence, shall retain his office, but if his absence shall, under any circumstances, exceed fifteen months, his office shall be vacated.

6. If any Judge of the High Court who has taken leave of absence, under the foregoing Rules, for a period of six months, shall desire to extend his absence beyond such period, he shall be permitted to do so under a medical certificate, his allowance for the entire period of absence being calculated at the rate of 1,000*l.* per annum.

7. Leave of Absence, under medical certificate, to Judges of the High Court who are members of the Covenanted Civil Service, will be regulated by the Rules* "for Sick Leave" applicable to the Civil Service generally.

8. No more than six months of the leave granted under medical certificate shall be reckoned as actual service in calculating the period of service entitling the Chief Justice, or Puisne Judge, to a pension.

9. Short Leave on private affairs may be granted to the Judges of the High Court under the Rules applicable to Covenanted Civil Servants.—(*Notification in the Home Department, No. 2119, dated 30th March 1863.*) (17 A. G.)

APPENDIX F.

(*See Chapter XI, Footnote to prefixed Note.*)

RULES FOR REGULATING LEAVE OF ABSENCE TO MEMBERS OF THE PILOT SERVICE, WHETHER ON ACCOUNT OF PRIVATE AFFAIRS, FURLOUGH, OR ON MEDICAL CERTIFICATE, IN FORCE BEFORE THE 10TH JANUARY 1879.

Rules for Leave on Private Affairs.

1st.—The Master Attendant may grant, to any Pilot upon application and sufficient cause shown, leave to absent himself from his duties for a period less than one month, without quitting the presidency; and for such absence, there shall be no deduction from the pay and allowance of the party availing himself of the indulgence.

2nd.—Any Pilot who shall consecutively absent himself from the duties of the Service for a period exceeding one month, except upon leave granted under medical certificate, as provided below, shall suffer a deduction from his allowance of one-third.

3rd.—Any Branch Pilot, desiring leave of absence on account of private affairs for more than one month, or desiring to quit the presidency otherwise than in the way of duty, shall submit an application for the same to the Master Attendant, and shall make known to him the occasion which induces him to apply for leave. The Master Attendant shall be competent to grant leave on account of private affairs for a period not exceeding three months, and the party availing himself thereof shall be subject to the deduction above provided.

4th.—Any Pilot who shall be absent for a longer period than three months without the special sanction of Government, shall lose all pay and allowances for the period of absence, and, further, shall suffer deduction of the time of such absence in computing the period of his general service.

5th.—Pilots unable to discharge the duties of their profession on account of ill-health shall be bound to furnish a medical certificate to that effect, under pain of being considered absent without leave.

Leave on Furlough or on Medical Certificate.

1st.—The following rules were established for members of the Pilot Service under the sanction of the Honourable the Court of Directors.

2nd.—When the public service does not require the presence of the whole establishment, a Pilot, after fifteen years' actual service, shall be allowed a furlough not exceeding three years, receiving during such period the same allowance as if absent in Europe on medical certificate; but he is not to receive any passage money.

3rd.—Pilots whose state of health may require a voyage to sea, or who may, on that account, desire to leave the Presidency, shall submit application for the same to the Master Attendant, forwarding, with the application, a certificate from the Marine Surgeon. The Master Attendant may grant leave for any period not exceeding three months, and the party availing himself of it may draw, while absent on such leave, his entire pay and allowances, without deduction. If the leave solicited exceed the period of three months, the medical certificate must be countersigned by a member of the Standing Medical Committee, and the sanction of Government will be required to enable the Pilot to proceed to the Cape or elsewhere under the following Rules.

Appendix F.

4th.—Any Pilot compelled, by sickness duly certified, to proceed to the Cape, or elsewhere beyond sea, to the east of the Cape, shall be entitled to draw, for six months from the date of his leaving the presidency, the entire pay and allowances of his grade in the Pilot Service. After the first six months, no Pilot will receive more than seven-eighths of the allowances of his rank.

5th.—A Branch Pilot authorized to proceed to England for the benefit of his health will receive Rs 1,435-5 passage-money and draw an allowance of Rs. 200 a month from the date of the vessel in which he embarks leaving the Pilot for sea.

6th.—Rupees 500 passage-money will be granted as an advance to a Branch Pilot proceeding, under medical certificate, to the Cape of Good Hope or elsewhere than Europe, when he may be in actual need of such assistance, under the condition of repayment by instalments, to be settled, in each instance, by the Master Attendant, and submitted for the sanction of Government along with the application.

7th.—Pilots absent at the Cape or elsewhere, under the Rules for such absence above stated, will be required to return to India at the end of six months from the date of their leaving Calcutta, unless they forward to the Master Attendant a renewed certificate from the Colonial Surgeon or other principal medical officer of the place where they may be residing, stating that a prolonged residence is necessary for complete recovery.

8th.—A Pilot absent under the above Rules may, provided he forwards renewed medical certificates every six months, as required in the preceding Rules, continue absent from India for a total period not exceeding two years, drawing, during absence, the allowances stated, either through his agent in Calcutta, or by a bill signed in the presence of a Magistrate at the place where he may be residing and certified to be so signed on the date specified The bills may be drawn in duplicate, and will be payable to the order of the Pilot, provided, however, that no Pilot shall be allowed to benefit by this provision, unless he shall give security to such amount as may be sufficient to cover any refunds to which he may become liable in case of proceeding to Europe, whether on resignation of the service or otherwise, without returning to Calcutta, or of over-receipt by agents.

9th.—Any Pilot who shall be absent beyond sea for a period exceeding two years, shall, from the date of the expiration of the two years, be considered as suspended from the Service. It will remain to be decided, upon his return at any subsequent date, whether he shall be restored or not, accordingly as he shall be able to satisfy the Master Attendant and Government that he used all possible exertion to return within the time fixed, but failed to do so from causes beyond his control.

APPENDIX G.

(See Section 143 (b).)

Name of absentee.	Pay of absentee (rate per mensem).			Leave granted.				Leave allowance.		Name of every person acting by reason of the absence.	Actual substantive pay of acting officer.	Acting allowance, monthly rate.	Total of columns 9 & 13 for each absence.	Remarks.
	Maximum.	Minimum.	Actual.	Kind.*	Amount.	Date of beginning of leave.	Date of return (to be filled in when he returns).	Rate per mensem.	Amount for days of actual absence during current month.					
1	2	3	4	5	6	7	8	9	10	11	12	13	14	
														* "Kind." The entry in column 5 should be one of the following:— Medical . . . Section 128 } Carry half pay† up to certain limits of time. Private affairs . . „ 130 } Furlough . . „ 132 } Privilege . . „ 138 Full salary.† Without allowances . „ 134 No pay Subsidiary . . „ 136 See Chapter V. Examination . . „ 139 See Chapter V. † Restricted, however, to amount available, if the officer's pay is less than Rs. 100; that is, column 14 must not exceed column 4.

Certified that all leaves granted to any person in Superior Service on this establishment, and the total absence on such leave, or without leave, during the month, and temporary appointments and promotions consequent on such absence, are detailed in the foregoing statement; that no leave has been granted until, by reference to the applicant's Service-book and to Chapter X of the Civil Leave Code, I had satisfied myself that it was admissible; that all grants of leave, and departures on, and returns from, leave, and all appointments and promotions, temporary or permanent, have been recorded in the Service-books of the persons concerned under my initials; and that all leave allowances shewn in this Statement are to be charged to the Imperial or Provincial Revenues, as the case may be, except in the cases of the undermentioned persons whose leave allowances which are chargeable to several accounts according to the "Rule of Proportions" are in accordance with *Definition*, "Rule of Proportions," to be charged as shewn against each name.

A. B. (absent on Furlough for the first time) has during his service for 10 years immediately preceding the date on which he availed himself of Furlough, been employed—

(1) in an office paid from the General or Provincial Revenues, from the———to the———, during which he drew an aggregate salary of Rs.———

(2) in an office paid from a Local Fund, from the———to the———, during which he drew an aggregate salary of Rs.———

A. B.'s allowances during the Furlough are to be charged to—

Imperial or Provincial Revenues . . . Rs.———a month

the Local Funds . . . . . „ ——— „

A. C. (absent on Privilege leave) has, during a period of duty without interruption (immediately preceding the date on which he availed himself of leave) eleven times as long as the leave, been employed—

(1) in an office paid from the Imperial or Provincial Revenues from the———to the———, during which he drew an aggregate salary of Rs.———

(2) in an office paid from a Local Fund, from the———to the———, during which he drew an aggregate salary of Rs.———

A. C.'s allowances during the Privilege leave are to be charged to—

Imperial Revenues . . . . . Rs———a month

the Local Fund . . . . . „ ——— „

Dated *Head of Office.*

NOTES—(1). The duty of signing this certificate may be delegated by the Head of a Department or a Secretary to Government to the Chief Assistant or Registrar of his office.

(2). When no member of an establishment in Superior Service has been absent on leave or deputation during the month, the following declaration, in lieu of the Leave statement, should be appended to the bill:—

["Certified that no person in Superior Service on the establishment has been absent, either with or without leave (except on casual leave), during the month of ; and further that all appointments and promotions, temporary or permanent, have been recorded in the Service-books of the persons concerned under my initials."]

Head of Office.

THE PAY AND ACTING ALLOWANCE CODE.

FIRST EDITION—Originally published, 1st August 1871, and republished, in a different form, 14th March 1872.

SECOND EDITION—Published, 1st December 1873.

THIRD EDITION— „ 1st December 1876.

FOURTH EDITION— „ 25th April 1879.

FIFTH EDITION— „ 6th April 1881.

SIXTH EDITION— „ 20th February 1884.

FORT WILLIAM,

DEPARTMENT OF FINANCE AND COMMERCE,

The 20th February 1884.

The Sixth Authorised Edition of the PAY AND ACTING ALLOWANCE CODE is now published. From this date the Fifth Edition will be superseded and should no longer be quoted. Corrections and additions notified hereafter should be entered in their proper places.

D. M. BARBOUR,

Secretary to the Government of India.

THE PAY AND ACTING ALLOWANCE CODE.

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THE PAY AND ACTING ALLOWANCE CODE.

CHAPTER I.

GENERAL RULES

1. The pay of an *Officer* is as follows :—

Pay and Salary

(1) In the case of an officer with a substantive appointment:—the amount which he would receive, monthly, under any of the following designations, in his substantive appointment·

Substantive Pay,
Consolidated Pay,
Military Pay and Allowances and Staff Salary,
Staff Corps Pay and Staff Salary.

(2) In the case of an officer without a substantive appointment:—his monthly Subsistence Allowance (if a Covenanted Civil Servant or a Military Officer subject to Civil Rules); and his Military Pay and Allowances or Staff Corps Pay (if a Military Officer subject to Military Rules).

2. The pay of an *Appointment* is the pay which any particular officer would receive monthly if he held the appointment substantively:

Examples. (1).—The allowances of an officer acting in an appointment the pay of which is subject to increase upon the passing of an examination or upon the completion of a certain period of service, are calculated upon the pay which he would from time to time receive, if he held the appointment substantively.

(2.)—The allowances of an officer acting in an appointment the pay of which has been reduced with effect from the next succession thereto, are calculated upon the reduced pay.

Maximum and minimum.

3. (*a*) The maximum salary of an officiating officer is the pay of the appointment.

(*b*) The minimum salary of an officiating officer is half the pay of the appointment.

Seconding.

4. If an absentee draws no part of the pay of his appointment, another officer may be appointed thereto substantively for a time only, on full pay, without

disturbing the lien of the absentee. The full pay of an officer thus appointed substantively, for a time only, may in like manner and upon the same condition, be given to a substitute appointed substantively, for a time only. The status of an officer appointed substantively for a time only under this Section is that of an acting officer.

Deputed officer is not an absentee except in a certain case

1. An officer deputed to act in another office is not an absentee within the meaning of this Section, unless the full pay of that office is available, and he is appointed substantively to it for a time only.

[NOTE.—When a Tahsildar in the North-Western Provinces or Oudh is deputed on Settlement duty or to officiate as a Deputy Collector for a period likely to be not less than one year, the Local Government may, if it think fit, ~~appoint his *locum tenens* substantive *pro tempore*.~~]

Receipt of absentee allowance is equivalent to receipt of part pay.

2. An absentee who receives absentee allowances draws, within the meaning of this Section, "part of the pay of his appointment;" and this Section is not to be construed as conflicting with Rule 1, under Section 54 (*b*) of the Civil Leave Code.

[NOTE.—The Subsistence Allowance of a Covenanted Civil Servant or a Military Officer subject to Civil Rules, and the English Furlough Pay of a Military Officer subject to Military Rules, are not, for the purposes of this Rule, treated as a part of the pay of an absentee's appointment.]

Military Officer subject to Military Rules

3. A substantive appointment may be made under this Section for a time only in the place of a Military Officer subject to Military Rules whose appointment would be forfeited under Military Furlough Rules but for the operation of Rule II of the Rules published with the General Order of the Government of India in the Military Department, No. 171, dated the 25th February 1874 (*Appendix C. 1, Civil Leave Code*).

Transfer to duty of a permanent kind

4. If an officer is transferred to duty of a permanent kind either in Foreign service, or, if in British service, such that he retains no connection with his own appointment, the Local Government may, if it thinks fit, suspend his lien upon his own appointment altogether and fill up that appointment substantively, reserving only the right to reverse the arrangements thus made, in case the absent officer at any time reverts to his original appointment.

5. Full pay is not to be drawn under this Section as a matter of course, or unless the officer claiming it is, by proper authority, formally appointed to the office substantively for a time.

Acting allowance not admissible for officiating in consequence of an officer's absence on Privilege leave except in certain circumstances

5. No acting allowance is given to an officer acting in a higher appointment in consequence of the absence of another officer on Privilege leave, for the first 30 days of such ~~leave~~, unless the acting officer is transferred from another Station, in which case he may draw three-fourths of the acting allowance otherwise admissible.

acting appointment

Section 4.

Rule 1.

Strike out the words beginning with "appoint" *in line 4 to the end of the note to this Rule, and substitute the following :—*

"declare that his *locum tenens* may be appointed substantively *pro tempore*"—(63) (Finance Department No 1218, dated 6th March 1885)

Section 5.

For the word "leave" *in the fourth line of this Section, substitute—*

"Acting appointment."—(70) (Finance Department No 275 dated 17th April 1885).

Proviso (1).

After "salary" *in the fifth line of this proviso, add* "and allowances other than travelling allowance."—148) (Finance Department Order No. 1712, dated the 2nd July 1886)

In the Addendum No. 148 published on the 3rd July 1886, for "Section 50" *read* "Section 5."

Section 5, Note (2).

For the words "first 30 days" in this note, substitute "whole period."—(70) (Finance Department No 275, dated 17th April 1885).

Section 5.

Rule 2.

Omit the words "of absence on privilege leave."—(70) Finance Department No. 275, dated 17th April 1885).

Section 5 (ii).

Add the following to Note (2) under this Section :—

"But Section 5 does not affect the right to any Local Allowance."—(43) (No. 2203, dated the 18th December 1884.)

Section 5.

Add the following under the notes to this Section :—

4. An officer returning from furlough or special leave, who without joining any other appointment proceeds at once to officiate in an appointment higher than his substantive appointment in consequence of the absence of an officer on privilege leave, may be treated as an officer transferred from another station for the purposes of this Section.—(64) (Finance Department No. 1353, dated 13th March 1885.)

Insert the following as NOTE (4) *under this Section :—*

(4).—For the purposes of this Section, promotion to a higher grade of the same appointment is to be treated as promotion to a higher appointment.—(165) (Finance Department Order No. 3427, dated 30th September 1886)

Insert the following as "NOTE (5)" *under this section :—*

(5).—If an officer succeeds another in the same acting appointment, this rule is not to be applied to the first 30 days of each officer's tenure, but only to the first 30 days of the combined periods of their tenure of the appointment.—(205) (Financial Department Order No. 4018, dated the 26th July 1887)

(i) Provided always that the emoluments of the acting officer, whether appointed to act at the same Station or deputed to act from another Station, shall not, for any time during the 30 days, be (1) less than the salary which, but for his present appointment, would be admissible to him for such time, or (2) more than the salary admissible to him after the 30 days referred to.

(ii) Provided also that if an officer officiates continuously in the same appointment, he shall not under any circumstances be deprived of acting allowance for more than thirty days.

[NOTES (1) —This Section does not affect Section 3 (*b*).

(2).—This Section does not apply in the case of appointments made under Section 39 in consequence of the absence of an officer on Privilege leave: the allowances authorised in that Section are admissible for the ~~first 30 days~~ of an officer's absence on Privilege leave to any officer acting in two or more offices at one time in consequence of the leave. It applies, however, to cases coming under Section 41.

(3) —This section does not govern Section 54]

1. As a general Rule the duties of an officer absent on Privilege leave should be discharged by another officer at the same Station. Only in exceptional cases where there is absolutely no officer available on the spot can the deputation of an officer from another Station to act in consequence of the absence of an officer on Privilege leave be allowed. *Absent officer's duties should be ordinarily performed by an officer at the same Station*

2. After the first 30 days ~~of absence on Privilege leave,~~ acting allowances will be drawn by the acting officers under the ordinary Rules. *After first 30 days*

6. Section 5 and the Rules under it apply also in the case of a vacancy caused by the deputation of an officer from another Station to act in consequence of the absence of an officer on Privilege leave. *In the case of a vacancy by the deputation of an officer from another Station.*

7. If the substantive appointment of an officer is changed while he is officiating in an appointment; or if, while so officiating, an officer is appointed, for the first time, to some substantive office; then provided that his tenure of his officiating appointment is not interrupted by his new substantive appointment, he may draw the pay thereof without joining it, from the date on which he is appointed thereto, or from any later date on which the substantive office becomes vacant. *Pay drawn without joining.*

8. Provision is made in Section 41 for the case of an officer appointed to be in charge of the current duties of an office in addition to his own duties. *Charge allowance when charge is held independently.*

An officer appointed to be in charge of the current duties of an office independently, without retaining charge of his own office, is entitled to a charge allowance of three-quarters of the acting allowance which would be admissible to him if he were appointed to officiate in the office. An officer cannot be thus appointed to be in charge of a "grade."

The Local Government may, if it thinks fit, assign to the officer a charge allowance of less than the amount thus admissible, and, on the other hand, if it thinks this amount too small, may grant him, for special recorded reason, the full acting allowance, excepting that clauses (*b*) and (*c*) of Section 16 shall not apply to such an officer. The charge allowance of an officer under this Rule must never exceed what he would draw as acting allowance if appointed to officiate in the appointment.

[NOTE.—See Rules 1 and 3 under Section 41.]

Personal allowance.

9. Unless in any case it is specially ordered otherwise, a Personal allowance should be reduced by any amount by which the recipient's pay or salary may be increased, and should cease as soon as his pay or salary is increased by an amount equal to his Personal allowance.

Local Fund.

10. No Acting allowances paid from a Local Fund, or from any other sources under the control of any Government Officer, shall, without the express sanction of the Government of India, exceed what would be admissible under the Rules which apply to an officer paid from General Revenues. If an officer, whose substantive office is paid from an Incorporated Local Fund (*see Definition*, "LOCAL FUND,") is appointed to act in an office paid from the General Revenues, his salary is calculated as it would be if his substantive office also were paid from the General Revenues. This Rule also applies to an officer whose substantive appointment is in Foreign service and who is transferred in the Public interests to act in an appointment paid from the General Revenues. (*See Note under Rule 19 in Section 9* (*b*), *Civil Pension Code.*)

Pay of Native Civil Servant.

11. The pay or salary of an office held by a Native Civil Servant is, unless otherwise specially ordered, 64

Section 12.

For "Rs. 3,600" *substitute* "Rs. 3,750."

(*b*) (*No. 321, dated 18th April 1884.*)

per cent. of what would be the gross pay or salary of the office if it were held by a Covenanted Civil Servant appointed after competitive examination in England.*

12. The pay of a Puisne Judge of the High Courts is Rs. 3,~~600~~; but a Judge of the High Court at Calcutta appointed before the 21st May 1881 is entitled to a pay of Rs. 4,166⅔. Pay of Puisne Judges, High Courts.

13. The following scale of pay and allowances is fixed for the staff of the Persian Section of the Indo-European Telegraph Department:— Persian Section, Indo-European Telegraph.

Director	Rs.	1,500
Assistant Director	„	350—50—600 in addition to Military pay and allowances of his rank as an Officer of Royal Engineers.
1 Assistant Superintendent	„	500—50—600
2 Assistant Superintendents, each	„	350—25—450
Superintendent stationed at Teheran, for Check Office, allowance of	„	100
Director's and Traffic Clerk	„	200
1st Clerk in charge of Shiraz Office, allowance of	„	50

14. The maximum Civil salary, except for the Governor General, the Governor of Bombay or Madras, a Lieutenant-Governor or an Ordinary Member of the Council of the Governor General, is Rs. 50,000 a year. Maximum Civil salary

* Under the Rules sanctioned by Her Majesty's Secretary of State for regulating the appointment of natives of India to offices ordinarily held by members of Her Majesty's Covenanted Civil Service, Native Civilian Probationers cannot, unless specially exempted by the Governor General in Council, be recommended for confirmation in the Service until they have passed such examinations as may from time to time be prescribed by the Local Government, subject to the approval of the Government of India.

2. In consequence of certain enquiries and suggestions from the Government of Bengal as to the nature of the examination to which Probationers should be subjected, and as to the period to be allowed for passing them, Local Governments have been consulted on those points, and the Governor General in Council, after considering their replies, is pleased to rule that Native Civilian Probationers appointed under the Statutory Rules, may be confirmed in their appointments at the close of the probationary period of two years, provided that they pass within that period the departmental examination by the Lower Standard prescribed for Covenanted Civilians appointed in England. With regard to the departmental examination by the Higher Standard, the Government of India does not consider it necessary to fix any obligatory period within which that examination must be passed by Native Civilians appointed in India; but it should be understood that no promotion or increase of pay will be attainable until the Higher Standard examination has been passed, and further, that the Governor General in Council reserves to himself power to dispense with the services of any Native Civilian appointed under the Statutory Rules who may fail to pass by the Higher Standard within a reasonable time, and who, as a result of such failure, is found to be disqualified for the efficient discharge of his duties as a member of the Civil Service.—*Resolution in the Home Department, No.* $\frac{1}{27\text{-}38}$, *dated 11th January 1881.*

But Sumptuary Allowances may be granted in addition to this maximum.

Increase of pay and creation of new appointments.

15. * The following are the Rules regarding the grant of increases to pay and creation of new appointments:—

I.—No payments may be made on account of increases to pay until the additional expenditure thereby caused has been provided for in the Estimates, and duly sanctioned.

II.—No increase which would have the effect of raising a pay above Rs. 5,000 a year may be included in the Estimates until the sanction of Her Majesty's Secretary of State for India has been obtained.

III.—No new appointment with pay exceeding Rs. 3,000 a year may be created without the previous sanction of the Secretary of State for India. If an emergency should arise demanding the immediate creation of such an appointment, it may be made provisionally; but in such case it must be at once reported to the Secretary of State,—no expectation being held out to the individual appointed to it, which would warrant a claim for compensation in the event of the appointment not being finally sanctioned.

* The Secretary of State has repeatedly objected to the Government of India sanctioning, in anticipation of his approval, increases of pay and establishments, grants of special pensions, and measures involving additional expenditure; and has now requested that the Standing Orders on the subject may be strictly observed in future.

2. It will be therefore out of the power of the Government of India to sanction any such measures provisionally, except in special emergencies.

3. The President in Council accordingly desires that all Departments of the Government of India, Local Governments and Administrations, and Heads of Departments will refrain from recommending the sanction, in anticipation of the approval of the Secretary of State, of any expenditure which requires the sanction of Her Majesty's Government. Nothing short of urgent necessity will be held to justify any disregard of these orders. Whenever such urgent necessity occurs, its nature must be precisely explained, together with the reason why it was not foreseen in time to enable the Government of India to take the orders of Her Majesty's Government in due course.—(*Resolution No. 3648, dated 23rd November 1880.*)

Section 16 (b).

Strike out the words "or, if the pay is progressive, the minimum pay" *in brackets in lines 2 and 3 of this Section.*—(82) (Finance Department No. 1427, dated the 16th June 1885.)

CHAPTER II.

THE COVENANTED CIVIL SERVICE; AND MILITARY OFFICERS SUBJECT TO CIVIL RULES, EXCEPTING THOSE ACTING IN APPOINTMENTS OF WHICH THE PAY IS A STAFF SALARY, AND EXCEPTING ALSO THOSE IN THE PUBLIC WORKS DEPARTMENT (INCLUDING THE RAILWAY REVENUE ESTABLISHMENT), THE SURVEY, OR THE FOREST DEPARTMENT.

16. (*a*) An officer with a substantive appointment officiating in an another appointment or in a higher grade, is entitled to an acting allowance of one-fifth of the pay of the appointment or grade. Officers with substantive appointments;

(*b*) But the acting allowance shall not be less than two-thirds of the difference between the pay ~~(or, if the pay is Progressive, the minimum pay)~~ of the appointment or grade, and the pay of the officiating officer. Minimum acting allowance.

(*c*) Nor shall it be less than Rs. 200.

1. In the North-Western Provinces, when a Settlement Officer officiates in an appointment in another Department, his salary shall be calculated as if his pay were the pay of the ordinary grade next below the standing which he occupies in the Settlement Department. Settlement Officers.

17. An officer officiating in a Class divided into Grades will officiate in the lowest grade, unless it be otherwise specially ordered. Grades of a Class.

[*Illustration.*—A. is Magistrate, in the first grade, of Nuddea: B. is Magistrate of Midnapore, the senior in the second grade: C. is a Joint Magistrate. If A. takes leave, then, in ordinary course of promotion, B. would obtain officiating promotion to the first grade without leaving Midnapore, and C., appointed to officiate as Magistrate of Nuddea, would officiate in the second grade.]

18. An officer without a substantive appointment is entitled to Subsistence Allowance with an acting allowance of half the pay of any appointment in which he officiates. Officer without substantive appointment.

[NOTE.—For rates of Subsistence Allowance, see Civil Leave Code, Section 60, Rule 1.]

CHAPTER III.

MILITARY OFFICERS SUBJECT TO MILITARY RULES; AND MILITARY OFFICERS SUBJECT TO CIVIL RULES ACTING IN ANY APPOINTMENT OF WHICH THE PAY IS A STAFF SALARY [NOT BEING IN THE PUBLIC WORKS DEPARTMENT (INCLUDING THE RAILWAY REVENUE ESTABLISHMENT), THE SURVEY, OR THE FOREST DEPARTMENT].

[NOTE.—A Military Officer employed in the Military Secretariat of the Government of India, Madras, or Bombay, or as Military Secretary to the Resident at Hyderabad, though drawing pay in the Civil Department, is not subject to this Code.]

Specification of cases.

19. The cases which may occur are these :

(*A*) An officer officiating in an appointment of which the pay is consolidated may be—

Case 1.—An officer without a substantive appointment.

Case 2.—An officer having a substantive appointment the pay of which is consolidated.

Case 3.—An officer having a substantive appointment the pay of which is a Staff Salary.

(*B*) An officer officiating in an appointment of which the pay is a Staff Salary may be—

Case 4.—An officer without a substantive appointment.

Case 5.—An officer having a substantive appointment the pay of which is consolidated.

Case 6.—An officer having a substantive appointment the pay of which is a Staff Salary.

1. An appointment of which the pay is fixed upon the assumption that it will be held by a Civil Officer, Covenanted or Uncovenanted, is treated, for the purposes of this Section, as if the pay of it were "Consolidated."

Appointments on consolidated pay.

20. In *Case 1* the officer is entitled to his pay. If his pay is less than the following Subsistence allowance added to half the pay of the appointment, then the officer is entitled, besides his pay, to such Acting allowance as will make the total equal to the

Section 22.

Insert the following note under clause (2) of the foot-note to this Section :—

"[NOTE.—The proviso that the whole staff salary shall not be less than Rs.100 is limited by the rule that this minimum is allowed only to an officer acting in the actual appointment held by the absentee. But this limitation does not apply to medical officers officiating as Civil Surgeons.]"—(54) (*No. 345, dated the 20th January 1885.*)

sum of the following Subsistence allowance added to half the pay of the appointment :—

Subsistence Allowance.

	Rs.	
For an officer of the rank of Captain or Subaltern,	250	a month.
For an officer of the rank of Major . . .	320	„
For higher rank	400	„

21. In *Cases 2 and 3* the Acting allowance is regulated by Sections 16 and 17. Appointments on Staff Salary.

[NOTE.—For the purposes of this Section, the pay of the officer is taken at the full staff salary, *plus* his military pay and allowance or staff Corps pay, though for the purposes of the Military Rules he may be considered to take with him to his officiating appointment only half the staff salary.]

22. In *Cases 4, 5, and 6*, the salaries are calculated by Military Rules:* any excess of the consolidated pay of the substantive appointment in *Case 5*, over the Military Pay and Allowances or the Staff Corps Pay of the officer, being treated as a Staff Salary.

[NOTE.—Allowances only are to be calculated under Military Rules; it is not intended that the restrictions which apply to the grant of Privilege leave under the Military Rules are to be applied to officers officiating in the Civil Department.]

23. (*a*) As an exception to Sections 20 and 21, the allowances of a Commissioned Medical Officer, officiating in an appointment ~~the pay of which was fixed by~~ Medical appointments. [illegible] exclusively [illegible] Class [illegible]

* The Military Rules referred to are as follows :—

(1) For an officer officiating for an absentee who is subject to the Rules of 1854—

An officiating officer will draw half the Staff Salary of the appointment for the first six months. After acting for six months (or earlier if it is available), he will become entited to the full Staff Salary; but in such case, he can draw no portion of the Staff Salary of his substantive appointment.

(2) For an officer officiating for an absentee who is subject to the Rules of 1868—

An officiating officer will draw half the Staff Salary of the appointment and half the Staff Salary of his substantive appointment (Civil or Military) if he have one: Provided that the whole Staff Salary thus drawn shall not be less than Rs. 100 a month, unless the full Staff Salary of the post in which he is officiating is less than that sum. If the full Staff Salary is available, he may draw the whole of it, but in such case he can draw no portion of the Staff Salary of his substantive appointment.

(3) For an officer officiating for an absentee under the Rules of 1875—

The Rules are those which apply to an officer officiating for an absentee under the Rules of 1868, except that as the furlough allowance of an officer subject to the Rules of 1875 varies in the case of his transfer from one appointment to another during Furlough (*Pay Code, Vol I, Article 1043F.*), the salary of the acting officer would likewise vary (*Article 218*), while the furlough allowance of an officer subject to the Rules of 1868 is unaffected by such transfer (*Article 1026*).

~~General Order of the Government of India in the Military Department, No. 370, dated the 4th April 1867,~~ shall be regulated by Section 22, on the assumption that the pay of the appointment is a Staff Salary equal to the difference between the officiating officer's Unemployed pay and the Consolidated pay he would receive if he held the appointment substantively.

(*b*) Provided that, whatever may be the appointment held by an officer appointed to the Medical Service before the 7th November 1864, his aggregate salary shall not be less than the grade pay of his rank.

[NOTE.—If a Military Officer officiating in a military appointment has a substantive appointment in the Civil Department, he draws in the Military Department the allowances to which he would have been entitled under Military Rules had his substantive appointment been an appointment in the Military Department.]

CHAPTER IV.

THE PUBLIC WORKS DEPARTMENT.

(ENGINEER ESTABLISHMENT; SUPERIOR RAILWAY REVENUE ESTABLISHMENTS; ~~AND~~ SUPERIOR OFFICERS OF ACCOUNTS BRANCH.)

[NOTE.—These Rules do not apply to cases of *Temporary Promotion*, which is given when officers obtain leave which is not Privilege leave and which causes a vacancy likely to last more than three months. In such cases the officer temporarily promoted is entitled to the pay of the appointment.*]

No officiating in grades.

24. (*a*) An officer of a class divided into grades cannot officiate in this class in a grade higher than that to which he is substantively appointed.

(*b*) An officer officiating in a rank which is divided into classes, or in a class divided into grades, will officiate in the lowest class or grade; but this Rule does not apply to an officer officiating in an appointment of which the substantive holder must belong to a particular class.

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* For the purpose of Chapter I, Rule V of the Military Furlough Regulations of 1868, the temporary promotion from one grade to another of an Officer of the Royal Engineers employed in the Public Works Department is an acting appointment, and the grade to which the Officer is permanently attached is his "substantive office."

Add the following to the List under the heading of Chapter VII:—

AND OFFICERS OF THE TELEGRAPH DEPARTMENT.

Strike out the word "AND" *before* "SUPERIOR OFFICERS OF ACCOUNTS BRANCH."—(225) (Financial Department Order No. 6902, dated 30th December 1887.)

25. (*a*) An officer with a substantive appointment, officiating in a higher class or in another appointment, is entitled to an acting allowance, in addition to his pay, of one-fifth of the civil pay of the class or appointment in which he officiates. Officers with substantive appointment.

(*b*) A Civil Officer or a Military Officer subject to Civil Rules without a substantive appointment is entitled to an acting allowance of half the civil pay of the class or appointment in which he officiates. A Military Officer subject to Military Rules, without an appointment, is entitled to his pay, and to such acting allowance as will make the total equal to the sum of the Subsistence allowance stated in Section 20 added to half the civil pay of the class or appointment in which he officiates. Officers without substantive appointment.

Explanation.—The civil pay of a graded class is the average civil pay of the grades (calculated without reference to the number of appointments in each grade); but the officiating officer's salary shall not exceed the pay of the lowest grade.

26. The net military pay which an Officer of the Royal Engineers serving in the Department of Public Works on consolidated departmental pay receives in addition thereto, is not taken into account in calculating acting allowances. His civil salary is fixed independently of his net military pay, to which he is separately entitled over and above his civil salary. Net Military Pay of Royal Engineers.

27. In the following cases special allowances may be granted in addition to pay by the Local Government or, if the officer is not serving under any Local Government,* by the Government of India: Special Allowances.

(*a*) To a Subordinate officiating as an Executive Engineer;—Rs. 100, provided that his salary must not exceed the pay of an Executive Engineer of the 4th Grade. Subordinates.

(*b*) To a Subordinate officiating as an Assistant Engineer;—Rs. 50. This allowance is not admissible on the mere circumstance of the Subordinate holding a charge formerly held by an Assistant, but only when the charge involves duties and responsibilities which, in

* See *Definition*, "LOCAL GOVERNMENT," for the special application of the term here.

character or extent, are such as are not usually imposed on Subordinate Officers.

Accountant. (*c*) To an Accountant officiating, with the sanction of the Government of India, for an Examiner or Deputy Examiner;—Rs. 100, provided that, when officiating for a Deputy Examiner, his salary must not exceed the pay of a Deputy Examiner, Second Grade.

(*d*) Acting allowance will not, as a rule, be granted to an Accountant officiating as Assistant Examiner. If by a special order of the Government of India it is granted, it will not exceed Rs. 50.

(*e*) To an officer of the Subordinate Revenue Establishment of State Railways acting in an office ordinarily held by an officer of the Superior Revenue Establishment;—Rs. 75, provided that the charge involves duties and responsibilities which in character and extent are such as are not ordinarily imposed on subordinate officers.

CHAPTER V.

THE SURVEY DEPARTMENT.

(OFFICERS NOT BELOW THE RANK OF ASSISTANT SUPERINTENDENT IN THE SURVEY DEPARTMENT UNDER THE SURVEYOR GENERAL IN INDIA).

Scale of Pay. **28.** The pay of the officers of the Survey Department is as follows:

ADMINISTRATIVE BRANCH.	Rs.
Surveyor General	3,000
Deputy Surveyor General	2,200
EXECUTIVE BRANCH.	
Deputy Superintendents—	
1st Grade	1,600
2nd „	1,300
3rd „	1,000
4th „	850
Assistant Superintendents—	
1st Grade	600
2nd „	500

Section 34.

Substitute the following for the Note under this Section :—

NOTE.—No officiating promotions are made to the 2nd grade of Assistant Conservators in the Forest Department, the numbers in the 2nd and 3rd grades of that class not being fixed.] (14) (*No. 1230, dated 23rd May 1884.*)

An Officer of the Royal Engineers holding substantively an appointment not above the rank of Deputy Superintendent, second grade, is entitled to his net military pay; but he ceases to draw it while officiating in a higher appointment. Net Military Pay.

29. An officer officiating in the grade immediately above his own is entitled to the pay of that grade. Salary of officiating officer.

30. An officer officiating in a grade higher than that immediately above his own is entitled to an acting allowance, in addition to his pay, of one-fifth of the pay of the grade in which he officiates.

[NOTE.—Sections 29 and 30 apply to a Deputy Superintendent officiating in the Administrative Branch.]

31. An officer without a substantive appointment is entitled to an acting allowance, in addition to his pay (if any), of half the pay of the grade in which he officiates.

CHAPTER VI.

THE FOREST DEPARTMENT.

(OFFICERS NOT BELOW THE RANK OF ASSISTANT CONSERVATORS.)

32. An officer officiating in a class divided into grades, is entitled to the pay of the lowest grade of the class unless it be otherwise specially ordered with the sanction of the Government of India.

33. An officer officiating in a grade of the same class as, and immediately above his own, is entitled to the pay of that grade.

34. An officiating officer in any case not provided for by Section 32 or Section 33 is entitled to an acting allowance of one-fifth of the pay of the grade in which he officiates, or to such other allowance as may be specially fixed by the Government of India.

[NOTE.—No officiating promotions are made to either the 1st or 2nd grade of Assistant Conservators in the Forest Department under the control of the Government of India, the numbers in the three grades of that class not being fixed.]

CHAPTER VII.

OTHER OFFICERS.

35. The following are the Rules applicable to officers in civil employ who are not

Covenanted Civil Servants, or Military Officers;
or in the Public Works (including Railway Revenue Establishments) or Survey (India) Departments, unless they are officiating in appointments below the rank of Assistant Engineer, or Assistant Examiner, or Assistant Superintendent, or, in the case of Railway Revenue Establishments, in classes lower than Class IV;
or officers of the Forest Department, unless they are officiating in appointments below the rank of Assistant Conservator;
or Law Officers, for the Rules regarding whose acting allowances, see Chapter VII, Civil Leave Code.

Acting in offices open to Covenanted Civil Servants, &c.

36. (*a*) An officer with a substantive appointment, officiating in an appointment which is open to, and may in practice be held by, a Covenanted Civil Servant or a Military Officer, is entitled to the acting allowance defined in Sections 16 and 17. In case of doubt, if the appointment is not one of a class existing in other Provinces, the Local Government will decide whether this clause applies; otherwise, the orders of the Government of India must be obtained.

Examples of the appointments referred to.—The appointments of Postmasters-General and Judges of Small Cause Courts of the First Class in Bengal, *viz.*, the Small Cause Courts in Calcutta and Sealdah, the Principal Court in Jessore, and the Courts in Magurah, Jhenida, Narail, Hooghly, Serampore, and Howrah.

Exception.

Exception.—Section 36 (*a*) does not apply to the cases of officers officiating in appointments in the Enrolled List of the Financial Department.

Graded List Education Department.

1. The acting allowance of an officer on the Graded List of the Education Department is regulated under this clause, notwith-

standing that Covenanted Civil Servants and Military Officers seldom now, in practice, hold office in the Education Department.

(*b*) An officer with a substantive appointment officiating in an appointment to which clause (*a*) does not apply, and of which the pay is not less than Rs. 100, is entitled to an acting allowance of one-fifth of the pay of the appointment: Provided that, except in the Post Office Department, no officer may, under this clause, be appointed to officiate in a higher Grade of his own class. No officiating in grades.

Examples of the appointments referred to.—Extra Assistant Commissionerships, Judgeships of Small Cause Courts in Bengal not mentioned in the example under Clause (*a*) of this Section, and the Subordinate Judgeships with which they are classed.

1. In the Public Works Department no increased allowances are admissible to an officer of the Upper Subordinate Establishment, or to a Sub-Overseer, for performing duties previously entrusted to one of a higher grade in either of the Subordinate Establishments. Public Works Subordinates.

2. In Madras, the first, second, and third grades of Munsiffships are treated as distinct *classes*. Munsiffs in Madras.

3. A Section-writer, or a Press servant who is paid for piece-work, is, for the purposes of the Rules in this Chapter, held to be an officer without a substantive appointment.

Explanation.—The pay of an appointment which belongs to a Graded Class and is not such as is described in Clause (*a*) of this Section, is the average pay of the grades, calculated without reference to the number of appointments in each grade; but the officiating officer's salary shall not exceed the pay of the lowest grade, unless he belongs to another Department, and is specially appointed to officiate in a grade other than the lowest. Graded appointments.

[NOTE.—This Explanation does not apply to appointments in the Post Office Department.

4. As an exception to this Explanation, the salary of a Probationary or Acting Deputy Magistrate and Deputy Collector in Bengal, whether holding a substantive appointment under Government or only temporarily employed, is Rs. 200. Probationary or Acting Deputy Magistrate and Deputy Collector, Bengal.

5. In Sind, the first, second, and third grades of Subordinate Judges are treated as distinct *classes* Sub-Judges in Sind.

37. (*a*) An officer without a substantive appointment, officiating in an appointment the pay of which is not less than Rs. 100, is entitled to an acting allowance of half the pay of the appointment. (*See Explanation under Section 36 (b) and Rule 4 under it.*) Officers without substantive appointments.

Appointments of less than Rs. 200.

(*b*) If the pay of the appointment is less than Rs. 200, and the Local Government considers that the acting allowances admissible by Rule are insufficient, it may grant to the officiating officer higher allowances, not exceeding the difference between the pay of the appointment and the portion of it drawn by the absentee for whom he officiates.

[NOTE.—*See Rule 1 under Section 4.*]

Appointments of less than Rs. 100.

38. (*a*) The salary of an officer officiating in an appointment of which the pay is less than Rs. 100 should, as far as practicable, be regulated by Sections 36 (*b*) and 37 (*a*).

(*b*) If an officer officiating in such an appointment has a substantive appointment, his salary must in no case exceed what it would be if Section 36 (*b*) were exactly applied.

(*c*) If he has no substantive appointment, the officer who appoints him may grant him such allowance, not exceeding the pay of the appointment, as he considers necessary:

Provided always that the absentee allowances of an officer whose pay is less than Rs. 100, must not exceed the difference between his pay and the sum of the acting allowances paid in consequence of his absence. (*See Civil Leave Code, Section 127, and Rule 2 under it.*)

[NOTES—(1) This Proviso does not apply to the cases noted as *Exceptions* (1), (2), and (3) under Section 127 of the Civil Leave Code.

(2) When the appointment is the ultimate result of a vacancy caused otherwise than by the absence of an officer on leave, this Proviso does not apply. In such case clause (*c*) operates absolutely.]

CHAPTER VIII.

PLURAL APPOINTMENTS.

Two or more appointments.

39. A Local Government may, without the sanction of the Government of India, appoint one officer to hold substantively, as a temporary measure, or to officiate

in, two or more independent appointments at one time. In such case, the emoluments are regulated as follows:—

(*a*) He draws the highest salary to which he would be entitled if he held, or, as the case may be, officiated in, any one of the appointments alone:

(*b*) For the other appointment or appointments, he draws such allowances as the Local Government may fix, not exceeding for each appointment half the salary which he would draw if he held, or, as the case may be, officiated in it alone:

(*c*) Provided that his aggregate salary shall not exceed the pay which he would draw in the most highly paid of the appointments, if he held it substantively and alone.

1. This Proviso may be dispensed with, if the Local Government declares that, for special reasons (to be recorded, and, unless the extra expense falls only upon Provincial or Local Resources, communicated to the Supreme Government), it is necessary, on public grounds, to entrust to the one officer the duties of the several offices at once, and that the salary to which he would be limited by this Proviso is not enough.

[*Illustration.*—A Covenanted Civil Servant holding a substantive appointment, A, of which the pay is Rs. 1,000, is appointed, without being relieved of his own duties, to officiate in two appointments, B, of which the pay is Rs. 1,600, and C, of which the pay is Rs. 2,200.

	Rs.
If he held A only, he would draw	1,000
If he officiated in B only, he would draw pay Rs. 1,000 and acting allowance Rs. 400	1,400
If he officiated in C only, he would draw pay Rs. 1,000 and acting allowance Rs. 800	1,800
He will therefore draw for C (which carries the highest salary)	1,800

And, but for Proviso (*c*), he would be entitled for B and A to such allowances as the Local Government may fix, not exceeding Rs. $\frac{1,400}{2} = 700$ for B, and $\frac{1,000}{2} = 500$ for A.

But in consequence of this Proviso, his aggregate salary must be limited to Rs. 2,200 (the pay of appointment C), unless the declaration prescribed in Rule 1 be made.]

2. This Section does not apply to a Government officer appointed to be a Minor Professor under the Medical Warrant of April 1867, or a Professor or Lecturer in any Government institution, to the duties of which offices an officer is not required to devote his whole time. Exceptions.

Previous sanction of Government of India required to enable an officer to hold two or more appointments.

40. (*a*) A Local Government cannot, without the previous sanction of the Government of India, appoint an officer to hold two or more appointments, at the same time, as a permanent arrangement, unless the pay of the appointment is a Provincial charge, and unless their aggregate pay does not exceed Rs. 250. When an officer is appointed to officiate in two or more appointments, which under due sanction have been allowed to be held as a permanent arrangement by one officer, the salary of the officiating officer shall be calculated as if the two or more appointments were one appointment upon the aggregate pay, Section 39 being inoperative in such a case.

No allowance admissible in certain cases.

(*b*) Section 39 does not apply to the case of an officer discharging the duties of more than one appointment in the same office, or on the same establishment. An officer so employed is entitled to the highest salary to which he would be entitled if he held or officiated in any of the appointments alone, and to nothing more:

EXAMPLES.—An Under-Secretary discharging the duties of a fellow Under-Secretary in the same Office or Department as well as his own.

A Joint Magistrate appointed, in addition to his own duties, to officiate as Magistrate of the District. In this case he gets allowances only as officiating Magistrate of the District.

A District Judge deprived of the help of an Additional or Assistant Judge, and therefore doing the Additional or Assistant Judge's work.

A Joint Magistrate doing the work of a second Joint Magistrate in the District as well as his own.

A clerk doing the duties of another clerk in the same Office.

A Director of Public Instruction doing the work of one of his Inspectors, or one Inspector in the Educational Department doing the work of a fellow Inspector in addition to his own.

Local allowances not affected.

(*c*) Nor does Section 39 affect Local Allowances given for the performance of separate duties. A Local Government may grant a Local Allowance to an officer paid from Provincial Revenues, provided the officer's total emoluments, including the Local Allowance, do not exceed Rs. 250 a month. If a Local Allowance is sanc-

Section 40 (a).

Substitute "appointments" *for* "appointment" *in the fifth line.*

Also insert the following as an Exception under this Section :—

"*Exception.*—A Local Government may appoint an officer to hold two appointments, even though the pay of the appointments be not provincial, provided one of the appointments be that of Post Master and provided the total emoluments of the officer for both appointments do not exceed Rs. 150 a month."—(31) (Financial Department No. 2646, dated 7th August 1884)

tioned by the Government of India on the understanding that it shall be drawn by any officer who may perform the duties for which it is granted, the sanction of the Government of India will not be required a second time in the case of any particular officer to whom the Local Government may assign the duties.

Medical Officer

1. A Regimental Medical Officer appointed to act as Civil Surgeon of a Station without relinquishing his Regimental duties is entitled to an acting allowance of Rs. 100 a month. With this exception, the allowances for the additional charge of an appointment of the kind described in Section 23, whether the charge is held by a Regimental Medical Officer, or a Commissioned Medical Officer already employed in the Department, are regulated by Military Rules, and not by this Code, the pay of the appointment being calculated on the principle indicated in that Section.

Cantonment Magistracies.

A Covenanted or Uncovenanted Civil Officer placed in charge of a Cantonment Magistracy in addition to his own duties is entitled to an acting allowance of Rs. 100 ~~if the Cantonment Magistracy is of the second class, and Rs. 150 if it is of the first class.~~ But, as a rule, only Military Officers should hold Cantonment Magistracies.

Charge of current duties.

41. When an officer is appointed to be in charge of the current duties of an office in addition to his own duties, and the charge, in the opinion of the Local Government, entails a substantial increase of responsibility and some additional work, he is entitled to a charge allowance, to be fixed by the Local Government, not exceeding one-tenth of the pay of the office. If the office is open to, and may in practice be held by, a Covenanted Civil Servant or a Military Officer, the allowance shall not be less than Rs. 100. Provided that the salary of an officer, appointed to be in charge of the current duties of an additional office, shall never exceed the salary which he would receive for officiating in the office:

EXAMPLE.—One effect of the Proviso in this Section is that unless the Local Government thinks it necessary to make the declaration indicated in Rule 1 under Section 39, an officer is not entitled to any allowance for taking charge of an office the pay of which is not more than that of his own substantive office.

Charge Allowance.

Exceptions—(1).—When a Subordinate Judicial Officer is placed in charge of a District Judge's Office, or when an officer is placed in charge of a Political Agency, or Residency of the second or third class, the charge allowance is fixed at Rs. 150 a month.

(2).—An Upper Subordinate in the Public Works Department placed by competent Authority in charge of the current duties of an Executive Engineer's Office in addition to his own duties, draws an allowance of Rs. 50 in addition to his own salary within the limit of the pay of an Executive Engineer, fourth Grade. Any other officer of the Public Works Department, appointed without being relieved of his own duties to be in charge of the current duties of an office of higher class than his own, may be permitted to draw a charge allowance of one-tenth of the pay of the higher class.

(3).—An Executive Engineer in charge of two Divisions may, as a special and temporary arrangement, receive a charge allowance of Rs. 100.

(4).—An officer of the Forest Department holding charge of two divisions, or an officer of the Settlement Department in the Madras Presidency when placed in charge of two parties,* may, as a special and temporary arrangement, receive a charge allowance of Rs. 100.

(5).—A Sub-Inspector of the Northern India Salt-revenue Department, when placed in charge of the duties of an Inspector, or Assistant Inspector, is entitled to a charge allowance of Rs. 15.

(6).—Whenever the administrative and medical charges of a Central Jail are not united, the officer appointed to the Medical Charge of the Jail is entitled to an allowance of Rs. 100 or, in special cases, at the discretion of the Local Government, Rs. 150: Provided always that the aggregate cost for the administrative and medical charges shall not exceed the total pay payable for the combination of the two charges in one person.

(7).—A Talati (Village Accountant, Bombay) placed in charge of the duties of another Talati in addition to his own duties, is entitled to allowances as follows:—

(*a*)—If the Talati whose duties he performs in addition to his own receives fixed pay:—such portion of that fixed pay, not exceeding one-half, as the Collector of the District may determine.

(*b*)—If the Talati whose duties he performs in addition to his own is remunerated by a percentage on the revenue:—such portion of such percentage as the Collector may determine:

Provided always that no extra expense shall be caused to the Government by the arrangement.

* By "parties" is meant one of the three large parties which are employed in the Madras Presidency.

Section 41.

Rule 2.

For the words "an allowance" *in lines 6 and 7 of this Rule, substitute* "a Local Allowance."—(43) (No. 2203, dated the 18th December 1884.)

(8).—An officer other than a Police Officer, including, in the Bombay Presidency, a Supernumerary Assistant Collector, placed in charge of the Police of a District, is entitled to a charge allowance of Rs. 100 a month, provided that such appointment does not involve an increase in the sanctioned strength of officers for the whole Province required for the charge of Police Districts.

(9).—An officer in Medical Charge of a Civil Station is entitled to an allowance of Rs. 100 for holding visiting charge of a second Station.

(10).—As a temporary arrangement, under special circumstances, and subject to confirmation by Government, a Superintendent in the Telegraph Department holding charge of two Divisions may receive an allowance of Rs. 100 a month, and an Assistant Superintendent in charge of two Sub-divisions, an allowance of Rs. 50 a month.

1.—No allowance is admissible under this Section unless the incumbent has actually given over charge of the office under the orders of competent Authority, and is absent on leave or deputation or is under suspension For instance, no allowance is admissible to a Subordinate Officer empowered to dispose of routine business while his Superior is on tour. But in the Northern India Salt-revenue Department, Charge Allowance is granted to an officer placed in charge of the current duties of an Assistant Commissioner's Office during the absence of the incumbent on tour.

[NOTE.—This Rule applies also to Section 8.]

2 —No allowance is admissible to a Covenanted Civil Servant, or to any officer holding an appointment ordinarily held by a Covenanted Civil Servant, for the executive charge, either permanently or temporarily, of a District Jail. Any other person, whether he does or does not hold any office under Government, if placed in executive charge of a District Jail, is entitled to an allowance on the following scale :—

1st Class Jail	Rs. 150 a month.
2nd " "	" 100 "
3rd " "	" 75 "
4th " "	" 50 "

3 —An officer placed in charge of the current duties of an office is not entitled to any fixed Travelling, Tentage, or Local Allowances attached to the office, except under the special orders of the Local Government.

[NOTE.—This Rule applies also to Section 8.]

Military Officer Officiating in a civil office

42. When a Military Officer is appointed to officiate in a civil office, without being relieved of his military duty, his allowances for his civil duties are regulated in accordance with Section 39 and Rule 1 under it. If he has no substantive appointment in the Military

Department, the pay of his rank is held to be his substantive pay for the purposes of Section 39. The allowances for his civil duties are drawn in the Civil Department, and his allowances for his military duty are drawn in the Military Department.

CHAPTER IX.

APPOINTMENTS ON PROGRESSIVE PAY.

Calculation of value of Progressive Pay.

43. (*a*) A Progressive pay is, on an average, equivalent to a fixed pay, the amount of which lies between the minimum and maximum of the Progressive pay. The exact amount of this equivalent varies according to the conditions of each appointment; but, in practice, it is assumed that a Progressive pay rising to its maximum by five equal yearly increments, is equivalent to a Fixed pay equal to the minimum *plus* two-thirds, or if the appointment is a ministerial appointment, *plus* three-fourths, of the difference between the minimum and the maximum.

[NOTE.—This Section does not fix the pay of a Progressive appointment, but only indicates the mode of rating the value of such an appointment for financial purposes. The pay of a Progressive appointment is, according to Section 2, the pay which any particular officer would receive monthly if he held the appointment substantively. In calculating, therefore, the salary of an officer officiating in a Progressive appointment, the pay of the appointment as defined in Section 2, and not the value of the appointment according to the calculation in this Section, should be taken into account.]

Grant of increment in advance of due date.

(*b*) A proposal to grant an increment of Progressive pay in advance of the due date, should always be scrutinised with especial jealousy: it is contrary to the principle of Progressive pay to grant an increment before it is due, and such a grant should not be recommended or granted, excepting under circumstances which would justify a personal allowance to an officer whose pay is fixed,—that is to say, seldom if ever.* If the value of the appointment calculated under clause (*a*) is such that the addition of a premature Increment

* In sanctioning, as a special case, increments in the Progressive pay of an officer in advance of the due date, the Secretary of State observed that "as a rule, there is great objection to giving retrospective effect to a measure of this nature." (*Despatch No. 334, dated 30th September 1880.*)

would raise it above Rs. 5,000 a year, such premature increment cannot be granted without the sanction of the Secretary of State.

Value in certain cases.

(c) A Progressive pay beginning with a lower minimum, or the increment of which is smaller, may, nevertheless, be more valuable than another beginning with a higher minimum, or the increment of which is larger.

Pay of an officer.

(d) The pay of an officer holding a Progressive appointment substantively, is, in no case, less than the minimum pay of the appointment, and the acting allowance of an officer acting in a Progressive appointment is in no case less than it would be if the pay of the appointment was fixed at the minimum.

Accrual of increment.

44. An increment accrues from the beginning of the Calendar Month following that in which it is earned, any intermediate broken period being neglected.

Exception.—An officer appointed in England by the Secretary of State for service in India, receives the increment in his pay in accordance with the terms of his engagement.

Initial pay of an officer.

45. Except as provided in Section 47,—

(a) the initial pay of an officer holding substantively a Progressive appointment is—

(i) the Minimum pay of the appointment, or,

(ii) if he had before acted in, or held substantively, the same or a similar appointment* and his appointment is not intended to involve any penalty, at his option, the salary which would be admissible to him if, on the date of his appointment to the new office, he acted in or held substantively, as the case may be, the same or a similar appointment: Provided that if service in another similar appointment is counted, the officer's initial pay shall not exceed what it would have been if that service had been rendered throughout in his new appointment;

[NOTE.—Reduction to a lower grade or appointment (a) cancels all title to count for increments previous service in the grade or appointment from which reduction was made or in a similar appointment.]

* Here and elsewhere in this Chapter a "similar" appointment means another Progressive appointment of not less value; the value of each of the appointments to be compared being calculated as explained in Section 43 (a).

(iii) if the officer is transferred to a Progressive appointment from an office on Fixed pay, the amount of which exceeds the minimum of the Progressive appointment, he may begin his service in the Progressive appointment upon his former pay;

(*b*) (i) his first increment is due after he has held the appointment substantively for the period necessary to earn an increment (usually one year); but if, under the operation of clause (*a*) (ii), his initial pay exceeds the minimum pay of the appointment, the date of his first increment will be calculated with reference to the whole period during which he has acted in or held substantively the same or a similar appointment;

(ii) in the case of an officer drawing more than the minimum pay of the appointment under clause (*a*) (iii), the increments will be calculated as if he had commenced on the minimum pay of the appointment.

Example—A. B, whose pay is Rs. 120, is transferred on the 1st January 1881 to an appointment on Rs. 100-10-150. His initial pay is Rs. 120, and his first increment will be earned on the 1st January 1884, when he will draw Rs. 130.

Exception.—An officer of the Geological Survey Department counts all service on the maximum pay of a grade towards increment in the salary of the next higher grade.

Acting allowances of an officer.

46. (*a*) Except as provided in Section 47, the acting allowances of an officer acting in a Progressive appointment are reckoned, from time to time, upon the pay which he would, from time to time, have received, if, during his whole tenure of the appointment or of some similar appointment, he had held the appointment substantively and continuously. Provided that service taken into calculation in determining pay under Section 45, clause (*a*) (ii) cannot again be taken into account in determining salary under this Section.

[NOTE.—A period of officiating promotion in an appointment on Progressive pay, given in consequence of absence on privilege leave, during which under Section 5 or 6 no acting allowance is drawn, counts as officiating service for the calculation of acting allowance under this Section.]

Acting officer to get increments of his substantive appointment.

(*b*) An acting officer whose substantive appointment is Progressive, receives, simultaneously, the increments

of his own appointment, whether the appointment in which he is acting is Progressive or not. His salary must be calculated afresh after each increment, whether substantive or acting, is earned.

Explanation.—In respect of an appointment belonging to a graded class, the pay which an officer would from time to time have received, if during his whole tenure of the appointment or of some similar appointment he had held the appointment substantively and continuously, shall be taken at the average of the pay which he would from time to time have received, if during his whole tenure of the appointment he had held the appointment substantively and continuously in each of the grades which form the class.

Transfer from one Progressive appointment to another.

47. On the transfer of an officer, otherwise than as a penalty, from one Progressive appointment to another,

(*a*) his initial pay or salary is either

(i) the salary which he was receiving before his transfer; or,

(ii) the minimum pay of his new appointment, *plus* the excess of his former salary over the minimum pay of his former appointment,

whichever is less:

Provided that an officer shall not under this Section receive less than he is entitled to receive under Section 45 or 46, as the case may be.

[NOTE.—The principle and object of this clause is to admit of the transfer of an officer without loss to him, so far as this can be arranged without loss to the State.]

Date and rate of increment.

(*b*) (i) if the minimum pay of his new appointment is not greater than the pay he was drawing on the date of his transfer from his former appointment, and if in his new appointment, the increment in salary is not due on or before the date on which he would have been entitled to increment in the salary of his former appointment had he continued to hold it, the officer will, in his new appointment, for once, receive, on the date on which it would have been due, the increment to which he would have been entitled in his former appointment: Provided that the increment thus received shall not exceed the increment in the salary of his new appointment;

(ii) his first increment in the salary of his new office shall be granted on the due date counted from the date of his appointment thereto; but the increment granted under clause (i) must be abandoned from such date.

Appointment of which the pay is changed.

48. The incumbent of an appointment, the pay of which is changed, shall be treated as if he were transferred to a new appointment on the new pay:

Provided that, if he prefers to retain his old pay, the Local Government may allow him to do so, postponing the change of the pay of the appointment till he vacates office.

Time spent on leave

49. Time spent on leave with allowances counts towards increments in the same manner as if during it the officer had actually held or officiated in (as the case may be) the appointment on which he has a lien.

[NOTE.—This Section must not be held to conflict with Rule 2 in Section 54 (*b*) of the Civil Leave Code. Subject always to the provisions of Section 6 of that Code, the phrase "the appointment on which he has a lien" means the appointment which the officer relinquished when he proceeded on leave, and does not refer to an appointment to which an officer has been nominated during his absence on leave.]

Suspension

50. Time passed under suspension does not count towards Increments if the suspension is a penalty for misconduct; but an officer, in directing reinstatement of a person who has been suspended, may declare that the time shall count.

Condition of Periodical Increments.

51. A periodical increment should not be granted to an officer serving on Progressive pay as a matter of course, or unless his conduct has been good.* A periodical increment may be withheld from a Ministerial or Menial officer at the discretion of the Head of his office. A periodical increment cannot be withheld from any other officer without the sanction of the Local

* (*Government of India, Public Works Department, to Accountant General, Public Works Department,—No. 196G, dated 1st February 1882.*)

In reply to your memorandum No. 19E, of the 7th ultimo, enquiring whether the approved service necessary to earn an increment should be continued, I am directed to state that there is no general rule on the subject beyond that laid down in Section 51 of the Pay and Acting Allowance Code. The proper practice to consider, when the time for the increment arrives, is whether during the year the service has been approved or not. But it is not necessary to withhold the increment for another twelve months. It is discretionary with the head of the office to delay granting the increment for any period within twelve months as he considers advisable.

Government, which may, however, delegate the power of withholding such increments to Heads of Departments or other supervising Officers.

Period of rise in Progressive pay.

52. Except under special orders to the contrary, a Progressive pay shall not rise from the minimum to maximum by less than five equal yearly increments. If, in any case, a Progressive pay sanctioned before the 27th October 1875, rises from a minimum to a maximum in less than five years, then, upon the first occurrence of a succession to the office, the pay must be modified, so that the growth from the minimum to the maximum may be by not less than five equal yearly increments.*

CHAPTER X.

EXCEPTIONAL CASES.

Members of Council.

53. The salary of a person appointed to be a temporary Member of the Executive Council of the Governor General or of the Governor of Madras or Bombay is regulated by Act of Parliament, Section 27 of 24 & 25 Vic., Cap. 67, as follows:

Section 27.—If any vacancy shall happen in the office of an Ordinary Member of the Council of the Governor General, or of the Council of either of the Presidencies when no person provisionally appointed to succeed thereto shall be then present on the spot, then, and on every such occasion, such vacancy shall be supplied by the appointment of the Governor General in Council, or the Governor in Council, as the case may be; and until a successor shall arrive the person so nominated shall execute the office to which he shall have been appointed, and shall have all the powers thereof, and shall have, and be entitled to, the salary and other emoluments and advantages appertaining to the said office during his continuance therein, every such temporary Member of Council foregoing all salaries and allowances by him held and enjoyed at the time of his being appointed to such office; and if any Ordinary Member of the Council of the Governor General or of the Council of either of the Presidencies shall, by any infirmity or otherwise, be rendered incapable of acting or of attending to act as such, or if any such Member shall be absent on leave, and if any person shall have been provisionally appointed as aforesaid, then the place of such Member

* The increase thus ordered in the period in which the pay of any office existing on the 27th October 1875 shall rise from a minimum to a maximum, shall not apply, in the case of a Department divided into grades or classes, to any officer who was already, on that date, a member of the Department.—(*Resolution No. 3137, dated 21st December 1875*)

A Department divided into grades or classes, within the meaning of the Resolution of the 21st December 1875, is that portion of any Department which is divided into grades or classes, and does not include any branch which is not so divided. It does not include office establishments, or any establishments the members of which are not gazetted, *i.e.*, do not receive their appointments direct from the Government.—(*Resolution No. 793, dated 13th February 1877.*)

absent or unable to attend shall be supplied by such person, and if no person provisionally appointed to succeed to the office shall be then on the spot, the Governor General in Council, or Governor in Council, as the case may be, shall appoint some person to be a temporary Member of Council, and until the return of the Member so absent or unable to attend, the person so provisionally appointed by the Secretary of State in Council, or so appointed by the Governor General in Council, or Governor in Council, as the case may be, shall execute the office to which he shall have been appointed, and shall have all the powers thereof, and shall receive half the salary of the Member of Council whose place he supplies, and also half the salary of his Office under the Government of India, or the Government of either of the Presidencies, as the case may be, if he hold any such office, the remaining half of such last named salary being at the disposal of the Government of India, or other Government as aforesaid: Provided always that no person shall be appointed a temporary Member of the said Council who might not have been appointed as hereinbefore provided to fill the vacancy supplied by such temporary appointment.

[NOTES.—(1) A Good Service Pension comes within the "allowances" which a temporary Member of Council appointed on a vacancy occurring in the office of an Ordinary Member must forego.

(2) The salary of the substantive office of a temporary Member of Council appointed in the place of an Ordinary Member of Council who, by reason of infirmity or otherwise, is rendered incapable of acting or is absent on leave, includes the Military pay or Staff Corps pay of an officer holding an appointment the pay of which is a Staff salary, but does not include a Good Service pension Such a temporary Member is not liable to any deduction of salary on account of Good Service pension]

Lieutenant-Governor.

1. The salary of a person appointed to officiate as Lieutenant-Governor is regulated in the same way as the salary of a person appointed under this Section to be a temporary Member of Council.

Additional Member of Governor General's Council.

2. A Public Officer nominated under Section 10 of the Indian Councils Act, 1861, to be a Member of the Council of the Governor General for the purpose of making Laws and Regulations, shall receive only, while actually present on duty with the Council, and not at any other time, a Deputation allowance at the rate of Rs. 616-10-8 a month, in addition to the pay, or if he held an officiating appointment, the salary of the appointment held by him at the time of his nomination to the Council; Provided always that he shall not receive more than Rs. 4,166-10-8, including Deputation allowance, in any one month.

High Court of Judicature.

54. An officiating Chief Justice, or Judge, of any High Court, or of the Chief Court of the Punjab, is entitled to the full pay of the appointment.

Law Officers.

55. An officiating Law Officer, who is not subject to the Rules in Chapter VII of the Civil Leave Code, draws, as acting allowance, the difference between the allowance attached to the appointment and the portion of it drawn by the absentee for whom he officiates.

Minimum salary in certain cases.

56. The undermentioned officers, officiating or substantive, are entitled to minimum salaries as follows: (a)

	Rs.
Accountant General in Bengal, Madras, or Bombay	1,500
Accountant General in the North-Western Provinces and Oudh or in the Punjab .	1,200

(a) In the case of an officer of the Royal Engineers, the minimum salary is inclusive of the Military pay.

Section 56.

Insert the following in this Section before "An Assistant Superintendent of Police serving in the Lower Provinces, &c.," *and after* "Assistant Commissioner, 3rd grade, in Berar":—

"Assistant Superintendent of Police in Berar . . 300"

(32) (No. 2782, dated 13th August 1884.)

Section 56.

Insert the following in this section immediately before "An Assistant Superintendent of Police serving in the Lower Provinces", &c.—

Deputy Collectors in the North-Western Provinces and Oudh . . . 250

(230) (Financial Department Order No 1358, dated 13th March 1888)

	Rs.
Comptroller in British Burma . . .	1,000
Comptroller in the Central Provinces, Assam, or Hyderabad	800
In the Public Works Department:	
Examiner of Accounts, Bengal or Bombay, and the Deputy Accountant General	950
Examiner of Accounts in Madras, the North-Western Provinces and Oudh, the Punjab, the Rajputana-Malwa State Railway, and the Calcutta Guaranteed Railways . . .	900
Examiner of Accounts, Military Works, and in the Central Provinces, British Burma, Coorg, Hyderabad, the Telegraph Department, three Guaranteed Railways, the Oudh and Rohilkhand Railway, the Punjab Northern State Railway, the Southern Mahratta Railway, the Northern Bengal State Railway, the British Burma State Railways, the Indus Valley State Railway, and the Assistant Accountant General . . .	650
Examiner or Deputy Examiner of Accounts in Rajputana, Central India and the Bhopal State Railway, Assam, the Bhavnagar-Gondal State Railway, and the Central Provinces State Railways	500
Supernumerary Deputy Collector in Sindh	400
Uncovenanted Medical Officer in medical charge of a Civil Station . . .	350
An Assistant Superintendent of Police serving in the Hill Tracts of the District of Ganjam, in the Parvatipur and Nursipatam Divisions of the District of Vizagapatam, and in the Wynaad Division of the District of Malabar .	Full pay of the appointment.
Assistant Commissioner, 3rd grade, in Berar	400
An Assistant Superintendent of Police serving in the Lower Provinces of the Bengal Presidency holding no substantive appointment under Government	250
An Assistant Superintendent of Police serving elsewhere, except those promoted from lower grades . .	200
An acting or probationary Munsif serving in the Lower Provinces of the Bengal Presidency, whether holding a substantive appointment under Government or only temporarily employed	200
Assistant Patrol in the Northern India Salt-revenue Department . .	100

at Jeypore

	Rs.
Supernumerary Assistant to the Collector of Salt-revenue in Bombay:	
On first appointment . . .	200
„ passing First Examination .	250
„ „ Second „ . .	300
Myo-oke in British Burma . . .	150
Extra Assistant Commissioner, except in the Kumaun and Garhwal Districts; Extra Assistant Superintendent in the Andaman and Nicobars; ~~and~~ Sub-Assistant Conservators, Forest Department, India . . .	— 200 ~~200~~ 150
Tahsildars, Munsifs, and Superintendents of Setttlements in the Punjab .	125

Probatorary

1A ~~1. The maximum salary of an officiating Naib Tahsildar in the Punjab is thirty rupees.~~

2. Acting Assistant Superintendents of Revenue Survey in the Bombay Presidency, including Sind, are entitled to allowances as follows:—

	Monthly salary.	Monthly Tentage.
	Rs.	Rs.
On first appointment	100	75
„ being qualified to test measurements and passing a colloquial examination.	150	75

3. The minimum salary of an officer officiating in the Subordinate Account Service in the Civil Account Department, whether he holds a substantive appointment under Government or not, is—

	Rs.
If he officiates in the grade of Rs. 130 rising to Rs. 175 a month . . .	100
If he officiates in the grade of Rs. 200 .	125

57. For the following cases there are Special Rules:—

(a) A Clergyman appointed to perform the duties of a Chaplain on the Regular Establishment is entitled to an allowance of Rs. 100.

(b) A Clergyman appointed by the Additional Clergy Society to a Station at which the appointment of a Clergyman of the Society has been authorised by the Government of India in the Home Department, or to a charge usually held by a Chaplain on the Regular Establishment, is entitled, provided that there is no Chaplain on duty at the same place, to an allowance of Rs. 150.

~~*(c)* The Government of India may grant to a Minister appointed by the Church of Scotland for service in any Station an allowance of Rs. 100 a month whenever not less than one hundred Presbyterian soldiers are quartered at the Station, and of Rs. 150 a month when the number of such soldiers at the Station exceeds two hundred.~~

Section 56.

Page 296.

For "Sub-Assistant Conservators, Forest Department" *substitute* Probationary Sub-Assistant Conservators, Forest Department, India.—
(221.) (Finance Department No. 6297, dated 29th November 1887.)

Section 56.

Rule 1.

Strike out this Rule and substitute the following :—

"1. The minimum salary of an officiating Naib Tahsildar in the Punjab is thirty-six rupees"—(110) (Finance Department Order No 3131, dated the 22nd September 1885.)

Section 57.

Substitute the following for Case (c) of this Section :—

(c) Allowances as follows may, ~~under the sanction of the Government of India in the case of the Bengal Presidency and of the Governments of Madras and Bombay in the case of the Madras and Bombay Presidencies,~~ be granted to ministers nominated by the Senior Chaplains of the Church of Scotland or by the General Superintendents of the Wesleyan Church in India for service in any station.—

(i) Whenever 100 Presbyterian, or Whenever 100 Wesleyan soldiers are quartered at any station	Rs 100 a month.
(ii) Whenever the number of such soldiers exceeds 200 . . .	" 150 a month.
(iii) Whenever the number of such soldiers is less than 100	Re 1 a month for each soldier.

(10) *(No. 1053, dated 16th May 1884.)*

Section 57 (e).

Add the following rule :—

But when an Assistant Surgeon who holds medical charge substantively of a civil station proceeds on tour, and another Assistant Surgeon is placed temporarily in charge, the latter is entitled to an allowance of Rs. 50 a month.—(237) Finance Department No. 1875, dated 11th April 1888.)

Section 57 (g).

Insert the word "Supernumerary" *before* "Assistant" *in line 5 of this clause.*—(74) (Finance Department No. 756, dated 8th May 1885.)

Section 57.

Substitute the following for clause (h) of this Section and the note under it :—

"(*h*) The allowances of Pilots at Calcutta are regulated by special rules."—(180) (Financial Department Order No. 1222, dated 10th March 1887.)

Exceptional Cases.

(d) The following Special allowances are granted to Archdeacons and Senior Chaplains of the Church of Scotland :—

	Allowance to substantive officers	Allowance to officiating officers.
	Rs.	Rs
Archdeacon of Calcutta, Madras, or Bombay .	266⅔	166⅔
„ of Lahore, or Senior Chaplain of the Church of Scotland in Calcutta . .	200	100
Senior Chaplain of the Church of Scotland in Madras or Bombay	150	75

(e) An Assistant Surgeon holding, whether substantively or temporarily, the medical charge of a Civil Station, is entitled to an allowance in addition to his pay as follows, or to any smaller allowance which, by any general or special order, the Local Government may fix :

If he be in the first or second grade :—Rs. 150 (but he must forfeit the Punjab allowance of Rs. 50 if he has it).

If he be in the third grade :—Rs. 100.

If the Civil Surgeon retains visiting charge of the Station, the Assistant Surgeon is entitled to half these allowances.

[NOTE.—These Allowances are Local Allowances.]

(f) A graded officer of the Geological Survey may, on the occurrence of a temporary vacancy in the Graded List of the Department, be temporarily allowed a salary equal to the pay to which he might, under the Rules of the Department, have been promoted if the vacancy had been permanent.

(g) An acting Supernumerary Deputy Collector in Sind, officiating as Deputy Collector, or any acting Supernumerary Assistant Collector of Salt-revenue in Bombay officiating as Assistant Collector of Salt-revenue, is entitled, in addition to salary as acting Supernumerary Deputy Collector, or acting Assistant Collector of Salt-revenue, as the case may be, to an allowance of two-thirds of the difference between his salary and the pay of the grade in which he officiates.

(h) The following Rules apply only to Licensed Pilots and to Government Pilots on the Free List. They shall not affect the right of the latter to revert to the Salaried List, but such reversion shall be allowed only on the present rates of salary :—

1. Allowances to Pilots who may be temporarily employed under orders of Government on special duties will ordinarily be granted at the following monthly rates :—

	Rs.
Branch Pilots	1,000
Master „	700
Mate „	450

Exceptional Cases.

2. Allowances at these rates will be granted in the following cases:—

(a) To Pilots summoned as jurors in the Marine Court.

(b) To Pilots employed as assessors in cases tried under Act IV of 1875.

(c) To Pilots serving on departmental committees of enquiry held under the orders of the Port Officer.

(d) To Pilots serving on Examination Committees.

(e) To Pilots attending as witnesses on trials under Act XII of 1859, or Act IV of 1875, provided that the grant of allowances in such cases is recommended by the Port Officer.

(In all these cases the Pilots shall, on the termination of the special duty, be put back on the turn list in the position which they occupied when taken away for that duty.)

(f) To Pilots tried by the Marine Court and acquitted of all blame for such time as they may have been suspended from duty.

(g) In all other cases in which the Government may think fit to grant allowances at the foregoing rates.

Pilots attending criminal or civil courts to give evidence on behalf of Government in matters of which they are cognisant shall not be entitled to allowances at these rates, unless the circumstances of the case are such that the Government consider it right to compensate them specially for their attendance.

3. Pilots carried off to sea under protest shall receive compensation for the period of their enforced absence from duty at the rate of Rs. 10 a day. The allowance of Rs. 5 a day now made to Leadsmen in these cases shall also be continued.

4. Detention allowance shall be calculated at the foregoing rates for all periods exceeding 24 hours, the 24 hours to be reckoned from the time at which the vessel was announced to sail, or from the time at which the stoppage necessitating the detention of the Pilot off pilotage work began; provided—

(1).—That no detention allowance whatever shall be charged when a vessel is prevented from proceeding by stress of weather, insufficiency of water, inability to procure a tug, or some accident.

(2).—That detention allowance shall be charged for the entire period (not excepting the first 24 hours), when the vessel is stopped (a) to await orders from her owners or agents or (b) to await inspection in consequence of sickness on board, or (c) to discharge a cargo of gunpowder at Moyapore.

5. The command allowance for the Pilot Brigs is abolished. A Branch Pilot appointed to the command of a Brig shall be entitled to draw pay at the rate specified above, provided that no allowance shall be granted to a Pilot who is only in casual and temporary command, and who does not lose his chance of taking a vessel.

[NOTE.—A Pilot acting or temporary in a grade is entitled to the same privileges as if he were permanent in the grade.]

(Only if serving on the Commission of a Non Regulation Province or as

(i) A Covenanted Civil Servant appointed to be Private Secretary to a Lieutenant-Governor is, while so employed, entitled to a Local Allowance of Rs. 350 a month, in addition to the salary to which he would, but for his appointment as Private Secretary, be

entitled: Provided that no officer may be employed as Private Secretary whose substantive appointment is above the grade of a Joint-Magistrate or Assistant Commissioner, and that during his tenure of the Private Secretaryship, the officer's place on the establishment of the Government to which he is attached must not be filled up.

(k) The following allowances in addition to salary are granted to an officer deputed to Famine work in a Presidency or Province, other than that in which he is serving, besides the cost of his journeys to and from the scene of his labours and the usual travelling allowances while there:

(1) To a Sub-Engineer in the Public Works Department	Rs. 75 a month.	Besides the usual Sub-divisional allowances permitted by the Rules and cost of one servant's journey to and from the Famine districts.
To an Overseer in the Public Works Department...	„ 60 „	
A Sub-Overseer in the Public Works Department...	„ 25 „	
(2) To every other officer excepting a Military Officer transferred from Regimental or purely Military duty ...	„ 5 a day.	Besides the cost of the journeys to and from the Famine districts of his servants, and (if tents and horses are carried) the carriage of his tents and horses.
(3) To a Military Officer transferred from Regimental or purely Military duty—		
I.—If the Officer's service is more than five years ...	„ 300 a month.	
II.—If the Officer's service is not more than five years ...	„ 200 „	

NOTES.—(1) These allowances to a Military Officer are admissible even if the Officer is employed on Famine work in his own Presidency or Province.
(2). The travelling allowances of a Military Officer are the same as those admissible to a Covenanted Civil Servant.

(l) The Local Government may grant

(1) to an officer deputed to attend a Native Chief or other distinguished personage on a journey

and

(2) to an officer deputed to service on a commission of special enquiry assembled at a distance from his Head-quarters

a Deputation allowance (besides travelling expenses) not exceeding Rs. 10 a day, and also (as regards case (2)) not exceeding one-fifth of the officer's salary, for the entire period of the officer's absence from his Head-quarters on such duty.

[NOTE.—"Local Government" for the purpose of this clause includes a Chief Commissioner, the Resident at Hyderabad, the Agents to the Governor General for Rajputana and Central India, and a Department of the Government of India, but as regards case (1) only the Foreign Department.]

58. The following Rules regulate the allowances of Uncovenanted Officers during Suspension:*

I.—Saving as provided in Rule III (ii), the salary of an officer who is dismissed ceases absolutely from the date of his dismissal; no allowances may be granted to him for any period occupied in his prosecution of appeals against the order dismissing him.

II.—Saving as provided in Rule III (ii), an officer suspended from office as a penalty for misconduct is entitled to no salary while he is absent from duty.

III.—Subject to the proviso that, without the permission of the Local Government, no expenditure may be incurred in excess of what would have taken place if the officer had remained on duty,—

(i) Subsistence allowance, at a rate not exceeding one-quarter of his salary, may be granted by the Authority suspending him to an officer removed from office pending enquiry into his alleged misconduct: Provided that, if the officer is a European, his subsistence allowance should not commonly be less than Rs. 25 a month: if his salary be less than Rs. 100 a month, the rate may be increased accordingly. An officer of the Marine Department, whose duties are not confined to the shore, will draw, in addition to the subsistence allowance, rations, or, when rations are not issued, compensation in lieu thereof.

[NOTE.—This subsistence allowance is authorised as a matter of grace only and cannot be claimed as of right.]

(ii) If the suspension of an officer as a penalty for misconduct is, upon reconsideration or appeal, held to have been unjustifiable or not wholly justifiable, or if an officer dismissed from office or suspended pending enquiry into his alleged misconduct is, after enquiry, or upon reconsideration or appeal, reinstated, then the revising or appellate Authority may grant to the officer, for the period of his absence from duty,—

(1) if the officer is honourably acquitted, full salary;

(2) otherwise such portion of his salary as to the revising or appellate Authority may seem expedient.

* "When a servant of Government is committed to prison either for debt or on a criminal charge, he should be considered as under suspension from the date of his arrest, and not allowed to draw any pay until the termination of the proceedings against him, when an adjustment of his allowances will be made according to the circumstances of the case, the full amount being given only in the event of the officer being acquitted of blame, or (if the imprisonment was for debt) of its being proved that the officer's liability arose from circumstances beyond his control." *Extract from Despatch from the Secretary of State, No. 80 of 1859, dated the 22nd December. (Circular in the Home Department, dated 6th February 1860)*

Whenever a Government official is judicially convicted of any offence, a copy of the decision should be sent to the Head of the Department in which he is employed, in order that such action in the case, as may be deemed proper, may be taken at once.—(*Circular in the Home Department, dated 7th August 1868*)

Add the following to the Note under Clause III (i) of this Section :—

The authority suspending an officer in temporary employ, if he considers that some allowance should be granted to the Suspended Officer, may sanction allowances not exceeding those authorised in this section. In deciding whether such allowances should be granted, the period of the temporary employment should be taken into consideration.—(134) (Finance Department Order No. 1405, dated 25th March 1890.)

PRELIMINARY AND DEFINITION.

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Government of India Central Printing Office—No 282 C. F.—23 2 84.—7,200